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LEGISLATIVE HISTORY

Public Law 85-172
S. 1747

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Index and summary of S. 1747

- Jan. 3, 1957 Rep. Polk introduced H. R. 377 and Rep. Abernethy introduced H. R. 514 which were referred to the House Committee on Agriculture. Prints of bills as introduced.
- Jan. 5, 1957 Rep. Miller, Md., introduced H. R. 1964 which was referred to the House Committee on Agriculture. Print of bill as introduced.
- Jan. 7, 1957 Sen. Aiken and others introduced S. 313 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- Jan. 16, 1957 Rep. Hoeven introduced H. R. 3052 which was referred to the House Committee on Agriculture. Print of bill as introduced.
- Jan. 17, 1957 Sen. Talmadge and others introduced S. 645 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- Feb. 5, 1957 Rep. Anfuso introduced H. R. 4357 which was referred to the House Committee on Agriculture. Print of bill as introduced.
- Feb. 7, 1957 Sen. Humphrey and others introduced S. 1128 which was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced.
- Feb. 27, 1957 Rep. Sullivan introduced H. R. 5398 and Rep. Anfuso H. R. 5403 which were referred to the House Committee on Agriculture. Prints of bill as introduced.
- Feb. 28, 1957 Rep. Elliott introduced H. R. 5463 and Rep. Polk H. R. 5489 which were referred to the House Committee on Agriculture. Prints of bills as introduced.
- Mar. 7, 1957 Rep. Dixon introduced H. R. 5738 which was referred to the House Committee on Agriculture. Print of bill as introduced.
- Mar. 21, 1957 Senate committee ordered clean bill reported. Rep. Dixon discussed and urged action on this proposed legislation.
- Mar. 28, 1957 Senate committee reported S. 1747 an original bill. Senate Report No. 195. Print of bill and report.

Apr.	4, 1957	Senate made S. 1747 its unfinished business.
Apr.	8, 1957	Senate passed S. 1747 with amendments.
Apr.	9, 1957	S. 1747 was referred to the House Committee on Agriculture. Print of bill as passed by Senate.
Apr.	10, 1957	Rep. Watts introduced H. R. 6814 which was referred to the House Committee on Agriculture. Print of bill as introduced.
May	3, 1957	House committee ordered H. R. 6814 reported.
May	20, 1957	House committee reported H. R. 6814 without amendment. House Report No. 465. Print of bill and report.
June	28, 1957	House Rules Committee reported resolution for consideration of H. R. 6814. H. Res. 304, House Report No. 663.
July	9, 1957	House passed H. R. 6814 with amendments.
July	15, 1957	House passed S. 1747 under suspension of the rules, with amendment. House inserted provisions of H. R. 6814.
Aug.	2, 1957	Senate conferees appointed.
Aug.	7, 1957	House conferees appointed.
Aug.	8, 1957	Rep. Hoeven was appointed conferee to replace Rep. Andresen.
Aug.	13, 1957	Conferees agreed to file conference report.
Aug.	14, 1957	House received conference report. House Report No. 1170. Print of report.
Aug.	16, 1957	House agreed to conference report.
Aug.	19, 1957	Senate agreed to conference report.
Aug.	28, 1957	Approved: Public Law 85-172

Hearings: Senate Agriculture and Forestry Committee
on S. 313

House Committee on Agriculture: Misc. Hearing
Serial G.

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POULTRY PRODUCTS INSPECTION ACT

U. S. DEPARTMENT OF AGRICULTURE

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HEARINGS

BEFORE THE

COMMITTEE ON

AGRICULTURE AND FORESTRY

UNITED STATES SENATE

EIGHTY-FIFTH CONGRESS

FIRST SESSION

ON

S. 313, S. 645, and S. 1128

BILLS TO PROVIDE FOR THE COMPULSORY INSPECTION
BY THE UNITED STATES DEPARTMENT OF AGRICULTURE
OF POULTRY AND POULTRY PRODUCTS

FEBRUARY 27 AND 28, 1957

Printed for the use of the Committee on Agriculture and Forestry



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1957

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COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON POULTRY AND EGGS

OF THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

FIRST SESSION

MARCH 6, 7, 8, AND 15, 1957

Printed for the use of the Committee on Agriculture

Serial G



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1957

DIGEST OF PUBLIC LAW 85-172

POULTRY PRODUCTS INSPECTION ACT.

Provides for the compulsory inspection by this Department for wholesomeness at processing plants of poultry and poultry products in commerce, and empowers the Secretary of Agriculture, after public hearings, to designate major consuming areas for the purpose of extending the provisions of the Act to poultry and poultry products in such areas.

H. R. 377

OF THE HOUSE OF REPRESENTATIVES

IN SENATE

AND OF THE HOUSE OF REPRESENTATIVES

A BILL

FOR THE PURPOSE OF

AMENDING THE ACT OF MARCH 3, 1879

RELATIVE TO THE CURRENCY

AND THE ACT OF MARCH 3, 1879

RELATIVE TO

85TH CONGRESS
1ST SESSION

H. R. 377

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1957

Mr. POLK introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

5 LEGISLATIVE FINDING

6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome poultry products in the channels of interstate
11 or foreign commerce are injurious to the public welfare,

1 adversely affect the marketing of wholesome poultry prod-
2 ucts, result in sundry losses to producers, and destroy mar-
3 kets for wholesome poultry products. The marketing of
4 wholesome poultry products is affected with the public
5 interest and directly affects the welfare of the people. All
6 poultry and poultry products which have or are required
7 to have inspection under this Act are either in the current
8 of interstate or foreign commerce or directly affect such
9 commerce. That part that enters directly into the current
10 of interstate or foreign commerce cannot be effectively in-
11 spected and regulated without also inspecting and regulating
12 all poultry and poultry products processed or handled in
13 the same establishment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popula-
16 tion directly affects the movement of poultry and poultry
17 products in interstate commerce. To protect interstate com-
18 merce in poultry and poultry products inspected for whole-
19 someness, from being adversely burdened, obstructed, or
20 affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture is authorized after public hearing
22 to ascertain from time to time and to designate cities or areas
23 where poultry or poultry products are handled or consumed
24 in such volume as to affect the movement of inspected
25 poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated city or area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. The Secretary is authorized to ascertain from time to time the cities or areas where poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce. Whenever, after public hearing, he finds that the designation of such a city or area will tend to effectuate the purposes of this Act, he shall by publication in the Federal Register give public notice of such designation and the effective date thereof which shall not be less than six months after such notice. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such designated city or area shall be subject to the provisions of this Act.

INSPECTION

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce or in a designated

1 city or area of any poultry product which is unwholesome
2 or adulterated, the Secretary shall, whenever processing
3 operations are being conducted, make such examination, ante
4 mortem and post mortem inspection and reinspection as he
5 determines necessary of poultry and of poultry products in
6 any official establishment processing such poultry or poultry
7 products for commerce or in, or for marketing in a designated
8 city or area. All poultry carcasses and parts thereof and
9 poultry products found to be unwholesome or adulterated
10 shall be condemned and shall, if no appeal be taken from
11 such determination of condemnation, be destroyed for human
12 food purposes under the supervision of an inspector. If
13 an appeal be taken from such determination, the product
14 shall be appropriately marked and segregated pending com-
15 pletion of an appeal inspection, which appeal shall be at
16 the cost of the appellant if the Secretary determines that
17 the appeal is frivolous. If the determination of condemna-
18 tion is sustained the product shall be destroyed for human
19 food purposes under the supervision of an inspector.

20 (b) The Secretary shall refuse to render inspection to
21 any establishment whose premises, facilities, or equipment,
22 or the operation thereof, fail to meet the requirements of
23 section 6 of this Act.

SANITATION, FACILITIES AND PRACTICES

SEC. 6. Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated city or area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required and approved by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated city or area, of poultry products which are unwholesome or adulterated.

LABELING

SEC. 7. (a) Each shipping container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark, the name of the product, an accurate statement of the quantity of the contents in terms of weight, measure or numerical count, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. Each individual consumer package, if any, of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated

1 shall at the time such product leaves the official establishment
2 bear, in addition to official inspection mark, in distinctly
3 legible, form, the name of the product, a statement of in-
4 gredients if fabricated from two or more ingredients, the
5 net weight or other appropriate measure of the contents,
6 the name and address of the processor and the approved
7 plant number of the official establishment in which the
8 contents were processed. The name and address of the
9 distributor may be used in lieu of the name and address
10 of the processor if the approved plant number is used to
11 identify the official establishment in which the poultry
12 product was prepared and packed. The Secretary may
13 permit reasonable variations and grant exemptions from
14 any labeling requirement in such manner as he may deter-
15 mine practicable.

16 (b) The use of any written, printed or graphic matter
17 upon or accompanying any poultry product inspected or
18 required to be inspected pursuant to the provisions of this
19 Act or the container thereof which is false or misleading is
20 prohibited. No poultry products inspected or required to
21 be inspected pursuant to the provisions of this Act shall be
22 sold or offered for sale by any person, firm, or corporation
23 under any false or deceptive name; but established trade
24 name or names which are usual to such products and which
25 are not false and deceptive and which shall be approved by

1 the Secretary are permitted. If the Secretary has reason
2 to believe that any label in use or prepared for use is false,
3 or misleading, he may direct that the use of the label be
4 withheld unless it is modified in such manner as the Secre-
5 tary may prescribe so that it will not be false or misleading.
6 If the person using or proposing to use the label does not
7 accept the determination of the Secretary, he may request
8 a hearing, but the use of the label shall, if the Secretary so
9 directs, be withheld pending hearing and final determination
10 by the Secretary. Any such determination by the Secre-
11 tary, shall be conclusive unless within thirty days after the
12 receipt of notice of such final determination the person
13 adversely affected thereby appeals to the United States
14 court of appeals for the circuit in which he has his principal
15 place of business or to the United States Court of Appeals
16 for the District of Columbia Circuit. The provisions of sec-
17 tion 204 of the Packers and Stockyards Act of 1921, as
18 amended, shall be applicable to appeals taken under this
19 section.

20 PROHIBITED ACTS

21 SEC. 8. The following acts or the causing thereof are
22 hereby prohibited:

23 (a) The processing, sale or offering for sale, transpor-
24 tation, or delivery or receiving for transportation, in com-
25 merce or in a designated city or area of any poultry product,

1 unless such poultry product has been inspected for whole-
2 someness and unless the shipping container and the individ-
3 ual consumer package, if any, are marked in accordance with
4 the provisions of this Act.

5 (b) The sale or other disposition for human food of any
6 poultry or poultry product which has been inspected and
7 declared to be unwholesome or adulterated under this Act.

8 (c) Knowingly and false making or issuing, altering,
9 forging, simulating, or counterfeiting any official inspection
10 certificate, memorandum, mark, or other identification or
11 device for making such mark or identification, used in con-
12 nection with the inspection of poultry, or poultry products
13 under this Act, or knowingly causing, procuring, aiding,
14 assisting in, or being a party to, such false making, issuing,
15 altering, forging, simulating, or counterfeiting, or know-
16 ingly possessing, without promptly notifying the Secre-
17 tary of Agriculture or his representative, uttering, publish-
18 ing, or using as true, or causing to be uttered, published,
19 or used as true, any such falsely made or issued, altered,
20 forged, simulated, or counterfeited official inspection certifi-
21 cate, memorandum, mark, or other identification, or device
22 for making such mark or identification, or knowingly repre-
23 senting that any poultry or poultry product has been officially
24 inspected under the authority of this Act when such poultry
25 or poultry product has in fact not been so inspected.

1 (d) Knowingly using in commerce, or in a designated
2 city or area, a false or misleading label on any poultry
3 product.

4 (e) The use of any container bearing an official inspec-
5 tion mark except for the poultry product in the original form
6 in which it was inspected and covered by said mark unless
7 the mark is removed, obliterated, or otherwise destroyed.

8 (f) The refusal to permit access by any duly authorized
9 representative of the Secretary, at all reasonable times, to
10 the premises of an establishment engaged in processing poul-
11 try or poultry products for commerce, or in or for marketing
12 in a designated city or area, upon presentation of appropriate
13 credentials.

14 (g) The refusal to permit access to and the copying of
15 any record as authorized by section 10 of this Act.

16 (h) The using by any person to his own advantage, or
17 revealing, other than to the authorized representatives of
18 the Government in their official capacity, or to the courts
19 when relevant in any judicial proceeding under this Act, any
20 information acquired under the authority of this Act, con-
21 cerning any matter which as a trade secret is entitled to
22 protection.

23 (i) Delivering, receiving, transporting, selling, or offer-
24 ing for sale or transport any poultry slaughtered for human

1 food or any part thereof, separately or in combination with
2 other ingredients (other than poultry products as defined in
3 this Act), in commerce or in a designated city or area,
4 except that such poultry may be permitted to be transported
5 between official establishments and to foreign countries pur-
6 suant to rules and regulations prescribed by the Secretary.

7 SEC. 9. No establishment processing poultry or poultry
8 products for commerce or in or for marketing in a designated
9 city or area shall process any poultry or poultry product
10 except in compliance with the requirements of this Act.

11 RECORDS OF INTERSTATE SHIPMENT

12 SEC. 10. For the purpose of enforcing the provisions
13 of this Act, persons engaged in the business of processing,
14 transporting, shipping, or receiving poultry slaughtered for
15 human consumption or poultry products in commerce or in
16 a designated city or area, or holding such products so re-
17 ceived shall maintain records showing, to the extent that
18 they are concerned therewith, the receipt, delivery, sale,
19 movement, or disposition of poultry and poultry products
20 and shall, upon the request of a duly authorized representa-
21 tive of the Secretary, permit him at reasonable times to have
22 access to and to copy all such records.

23 INJUNCTION PROCEEDINGS

24 SEC. 11. The district courts of the United States are
25 vested with jurisdiction specifically to enforce, and to prevent

1 and restrain violations of this Act. The remedies provided
2 for in this section shall be in addition to, and not exclusive
3 of, any of the remedies or penalties provided for elsewhere
4 in this Act or now or hereafter existing at law or in equity.

5 PENALTIES

6 SEC. 12. Any person who violates the provisions of sec-
7 tion 8, 9, 10, or 17, shall be guilty of a misdemeanor and
8 shall on conviction thereof be subject to imprisonment for
9 not more than one year, or a fine of not more than \$5,000,
10 or both such imprisonment and fine; but if such violation is
11 committed after a conviction of such person under this section
12 has become final such person shall be subject to imprisonment
13 for not more than two years, or a fine of not more than
14 \$10,000, or both such imprisonment and fine. When con-
15 struing or enforcing the provisions of said sections, the act,
16 omission, or failure of any person acting for or employed by
17 any individual, partnership, corporation, or association
18 within the scope of his employment or office shall in every
19 case be deemed the act, omission, or failure of such indi-
20 vidual, partnership, corporation, or association, as well as of
21 such person.

22 SEC. 13. Before any violation of this Act is reported
23 by the Secretary to any United States attorney for institu-
24 tion of a criminal proceeding, the person against whom such
25 proceeding is contemplated shall be given reasonable notice

1 of the alleged violation and opportunity to present his views
2 orally or in writing with regard to such contemplated
3 proceeding. Nothing in this Act shall be construed as re-
4 quiring the Secretary to report for criminal prosecution or
5 for the institution of injunction proceedings violations of
6 this Act whenever he believes that the public interest will
7 be adequately served and compliance with the Act obtained
8 by a suitable written notice or warning.

9 REGULATIONS

10 SEC. 14. The Secretary shall promulgate such rules
11 and regulations as are necessary to carry out the provisions
12 of this Act.

13 EXEMPTIONS

14 SEC. 15. (a) The Secretary is authorized, by regulation
15 and under such conditions as to sanitary standards, prac-
16 tices, and procedures as he may prescribe, to exempt from
17 specific provisions of this Act—

18 (1) poultry producers with respect to poultry of
19 their own raising on their own farms which they sell
20 directly to household consumers only: *Provided*, That
21 such poultry producers do not engage in buying or selling
22 poultry products other than those produced from poultry
23 raised on their own farms;

24 (2) retail dealers with respect to poultry products

1 sold directly to consumers in individual retail stores:

2 *Provided*, That the only processing operation performed
3 by such retail dealers is the cutting up of poultry products
4 on the premises in which such sales to consumers are
5 made;

6 (3) at any time prior to July 1, 1960, poultry and
7 poultry products where the Secretary determines that
8 it would be impracticable to provide inspection and the
9 exemption will aid in the effective administration of this
10 Act, but no exemption under this paragraph shall con-
11 tinue in effect on and after July 1, 1960.

12 (b) The Secretary may by order suspend or terminate
13 any exemption under this section with respect to any person
14 whenever he finds that such action will aid in effectuating
15 the purposes of this Act.

16 VIOLATIONS BY EXEMPTED PERSONS

17 SEC. 16. Any person who sells, delivers, transports or
18 offers for sale or transportation in commerce or in a desig-
19 nated city or area any poultry products which are exempt
20 under section 15, knowing that such products are unwhole-
21 some and are intended for human consumption, shall be guilty
22 of a misdemeanor and shall on conviction thereof be subject
23 to the penalties set forth in section 12.

IMPORTS

1
2 SEC. 17. (a) No slaughtered poultry, or parts or
3 products thereof, of any kind shall be imported into the
4 United States unless they are healthful, wholesome, and fit
5 for human food, not adulterated, and contain no dye, chem-
6 ical, preservative, or ingredient which renders them un-
7 healthy, unwholesome, adulterated, or unfit for human food
8 and unless they also comply with the rules and regulations
9 made by the Secretary of Agriculture. All imported
10 slaughtered poultry, or parts or products thereof, shall
11 after entry into the United States in compliance with such
12 rules and regulations be deemed and treated as domestic
13 slaughtered poultry, or parts or products thereof, within
14 the meaning and subject to the provisions of this Act and
15 the Federal Food, Drug, and Cosmetic Act, and Acts
16 amendatory of, supplemental to, or in substitution for such
17 Acts.

18 (b) The Secretary of Agriculture is authorized to make
19 rules and regulations to carry out the purposes of this sec-
20 tion and in such rules and regulations the Secretary of
21 Agriculture may prescribe the terms and conditions for the
22 destruction of all slaughtered poultry, or parts or products
23 thereof, offered for entry and refused admission into the
24 United States unless such slaughtered poultry, or parts or

1 products thereof, be exported by the consignee within the
2 time fixed therefor in such rules and regulations.

3 (c) All charges for storage, cartage, and labor with
4 respect to any product which is refused admission pursuant
5 to this section shall be paid by the owner or consignee, and
6 in default of such payment shall constitute a lien against
7 any other products imported thereafter by or for such owner
8 or consignee.

9 GENERAL PROVISIONS

10 SEC. 18. (a) For the purpose of preventing and elimi-
11 nating burdens on commerce in poultry and poultry products,
12 the jurisdiction of the Secretary within the scope of this
13 Act shall be exclusive and poultry and poultry products
14 shall be exempt from the provisions of the Federal, Food,
15 Drug, and Cosmetic Act, as amended, to the extent of the
16 application or the extension thereto of the provisions of this
17 Act.

18 (b) In carrying out the provisions of this Act, the
19 Secretary may cooperate with other branches of government
20 and with State agencies and may conduct such examinations,
21 investigations and inspections as he determines practicable
22 through any officer or employee of a State commissioned
23 by the Secretary for such purpose.

COST OF INSPECTION

1
2 SEC. 19. The cost of inspection rendered under the re-
3 quirements of this Act shall be borne by the United States
4 except the cost of overtime. The Secretary of Agriculture is
5 authorized in his discretion to pay employees employed in
6 establishments subject to the provisions of this Act for all
7 overtime work performed at such establishments at such rates
8 as he may determine and to accept from such establishments
9 wherein such overtime work is performed reimbursement for
10 any sums paid out by him for such overtime work.

APPROPRIATIONS

11
12 SEC. 20. There is hereby authorized to be appropri-
13 ated such sums as are necessary to carry out the provisions
14 of this Act.

SEPARABILITY OF PROVISIONS

15
16 SEC. 21. If any provision of this Act or the applica-
17 tion thereof to any person or circumstances is held invalid,
18 the validity of the remainder of the Act and of the appli-
19 cation of such provision to other persons and circumstances
20 shall not be affected thereby.

DEFINITIONS

21
22 SEC. 22. For purposes of this Act—

23 (a) The term "commerce" means commerce between
24 any State, Territory, or possession, or the District of Colum-
25 bia, and any place outside thereof; or between points within

1 the same State or the District of Columbia, but through
2 any place outside thereof; or within the District of Columbia.

3 (b) The term "Secretary" means the Secretary of
4 Agriculture.

5 (c) The term "person" means any individual, partner-
6 ship, corporation, association, or any other business unit.

7 (d) The term "poultry" means any live or slaughtered
8 domesticated or commercially produced game bird.

9 (e) The term "poultry product" means any poultry
10 which has been slaughtered for human food from which the
11 blood, feathers, feet, head, and viscera have been removed
12 in accordance with rules and regulations promulgated by
13 the Secretary, any edible part of poultry, or, unless ex-
14 empted by the Secretary, any human food product consist-
15 ing of any edible part of poultry separately or in combination
16 with other ingredients.

17 (f) The term "wholesome" means sound, healthful,
18 clean, and otherwise fit for human food.

19 (g) The term "unwholesome" means:

20 (1) Unsound, injurious to health, or otherwise rendered
21 unfit for human food.

22 (2) Consisting in whole or in part of any filthy, putrid,
23 or decomposed substance.

24 (3) Processed, prepared, packed, or held under un-
25 sanitary conditions whereby a poultry product may have

1 become contaminated with filth or whereby a poultry prod-
2 uct may have been rendered injurious to health.

3 (4) Produced in whole or in part from poultry which
4 has died otherwise than by slaughter.

5 (5) Packaged in a container composed of any poison-
6 ous or deleterious substance which may render the contents
7 injurious to health.

8 (h) The term "adulterated" shall apply to poultry and
9 poultry products under one or more of the following cir-
10 cumstances:

11 (1) If they bear or contain any poisonous or deleterious
12 substance which may render them injurious to health; but,
13 in case the substance is not an added substance, such poultry
14 and poultry products shall not be considered adulterated
15 under this clause if the quantity of such substance in such
16 poultry and poultry products does not ordinarily render them
17 injurious to health.

18 (2) If they bear or contain any added poisonous or
19 added deleterious substance, unless such substance is per-
20 mitted in their production or unavoidable under good manu-
21 facturing practices as may be determined by rules and regula-
22 tions hereunder prescribed by the Secretary or other
23 provisions of Federal law limiting or tolerating the quantity
24 of such added substance on or in such poultry and poultry

1 products: *Provided*, That any quantity of such added sub-
2 stance exceeding the limits so fixed shall also be deemed to
3 constitute adulteration.

4 (3) If any substance has been substituted, wholly or in
5 part, therefor.

6 (4) If damage or inferiority has been concealed in
7 any manner.

8 (i) The term "inspector" means any person authorized
9 by the Secretary of Agriculture to inspect poultry and
10 poultry products under the authority of this Act.

11 (j) The term "official inspection mark" means the
12 symbol, formulated pursuant to rules and regulations pre-
13 scribed by the Secretary, stating that the product was
14 inspected.

15 (k) The term "inspection service" means the official
16 Government service within the Department of Agriculture
17 having the responsibility for the inspection for wholesome-
18 ness of poultry and poultry products, and for carrying out
19 the provisions of this Act.

20 (l) The terms "container" or "package" include any
21 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
22 or cover.

23 (m) The term "official establishment" means any
24 establishment as determined by the Secretary at which in-

1 spection of the slaughter of poultry, or the processing of
2 poultry products, is maintained under the authority of this
3 Act.

4 (n) The term "label" means any written, printed,
5 or graphic material upon the shipping container or upon
6 the individual consumer package, if any, of the poultry
7 product or accompanying such product.

8 EFFECTIVE DATE

9 SEC. 23. This Act shall take effect upon enactment:
10 *Provided*, That no person shall be subject to the provisions
11 of this Act prior to July 1, 1958, unless such person applies
12 for and receives inspection for poultry or poultry products
13 in accordance with the provisions of this Act and pursuant
14 to regulations promulgated by the Secretary hereunder, in
15 any establishment processing poultry or poultry products
16 in commerce or in a designated city or area. Any person
17 who voluntarily applies for and receives such inspection
18 prior to July 1, 1958, shall be subject, on and after the date
19 he commences to receive such inspection, to all of the
20 provisions and penalties provided for in this Act with
21 respect to all poultry or poultry products handled in the
22 establishment for which said application for inspection is
23 made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. POIR

JANUARY 3, 1957

Referred to the Committee on Agriculture

85TH CONGRESS
1ST SESSION

H. R. 514

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1957

Mr. ABERNETHY introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

LEGISLATIVE FINDINGS

5
6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quan-
9 tities thereof move in interstate and foreign commerce.
10 Unwholesome and adulterated poultry products in the
11 channels of interstate or foreign commerce are injurious to

1 the public welfare, adversely affect the marketing of whole-
2 some poultry products, result in sundry losses to producers,
3 and destroy markets for wholesome poultry products. The
4 marketing of wholesome poultry products is affected with
5 the public interest and directly affects the welfare of the
6 people. All poultry and poultry products which have or
7 are required to have inspection under this Act are either
8 in the current of interstate or foreign commerce or directly
9 affect such commerce. That part that enters directly into
10 the current of interstate or foreign commerce cannot be
11 effectively inspected and regulated without also inspecting
12 and regulating all poultry and poultry products processed
13 or handled in the same establishment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popula-
16 tion may directly affect the movement of poultry and poultry
17 products in interstate commerce. To protect interstate
18 commerce in poultry and poultry products inspected for
19 wholesomeness, from being adversely burdened, obstructed,
20 or affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture upon request of the appropriate
22 authority is authorized after public hearing to ascertain
23 from time to time and to designate cities or areas where poul-
24 try or poultry products are handled or consumed in such vol-

1 ume as to affect the movement of inspected poultry or poultry
2 products in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Congress
5 to provide for the inspection of poultry and poultry products
6 by the inspection service as herein provided to prevent
7 the movement in interstate or foreign commerce or in a
8 designated city or area of poultry products which are un-
9 wholesome, adulterated, or otherwise unfit for human food.

10 DEFINITIONS

11 SEC. 4. For purposes of this Act—

12 (a) The term “commerce” means commerce between
13 any point in any State, Territory, or possession, or the
14 District of Columbia, and any place outside thereof; or
15 between points within the same State or the District of
16 Columbia, but through any place outside thereof; or within
17 the District of Columbia.

18 (b) The term “Secretary” means the Secretary of Agri-
19 culture.

20 (c) The term “person” means any individual, part-
21 nership, corporation, association, or any other business unit.

22 (d) The term “poultry” means any live or slaughtered
23 domesticated bird or commercially produced game bird.

24 (e) The term “poultry product” means any poultry

1 which has been slaughtered for human food from which the
2 blood, feathers, feet, head, and viscera have been removed in
3 accordance with rules and regulations promulgated by the
4 Secretary, any edible part of poultry, or unless exempted by
5 the Secretary, any human food product consisting of any
6 edible part of poultry separately or in combination with other
7 ingredients.

8 (f) The term “wholesome” means sound, healthful,
9 clean, and otherwise fit for human food.

10 (g) The term “unwholesome” means:

11 (1) Unsound, injurious to health, or otherwise rendered
12 unfit for human food.

13 (2) Consisting in whole or in part of any filthy, putrid,
14 or decomposed substance.

15 (3) Processed, prepared, packed, or held under unsani-
16 tary conditions whereby a poultry product may have become
17 contaminated with filth or whereby a poultry product may
18 have been rendered injurious to health.

19 (4) Produced in whole or in part from diseased poultry
20 or poultry which has died otherwise than by slaughter.

21 (5) Packaged in a container composed of any poisonous
22 or deleterious substance which may render the contents
23 injurious to health.

24 (h) The term “adulterated” shall apply to poultry and

1 poultry products under one or more of the following cir-
2 cumstances:

3 (1) If they bear or contain any poisonous or deleterious
4 substance which may render them injurious to health; but,
5 in case the substance is not an added substance, such poultry
6 and poultry products shall not be considered adulterated
7 under this clause if the quantity of such substance in such
8 poultry and poultry products does not ordinarily render them
9 injurious to health.

10 (2) If they bear or contain any added poisonous
11 or added deleterious substance, unless such substance is
12 permitted in their production or unavoidable under good
13 manufacturing practices as may be determined by rules and
14 regulations hereunder prescribed by the Secretary or other
15 provisions of Federal law limiting or tolerating the quan-
16 tity of such added substance on or in such poultry and
17 poultry products: *Provided*, That any quantity of such added
18 substance exceeding the limits so fixed shall also be deemed
19 to constitute adulteration.

20 (3) If any substance has been substituted, wholly or
21 in part, therefor.

22 (4) If damage or inferiority has been concealed in
23 any manner.

1 (5) If any valuable constituent has been in whole or
2 in part omitted or abstracted therefrom.

3 (6) If any substance has been added thereto or mixed
4 or packed therewith so as to increase its bulk or weight,
5 or reduce its quality or strength, or make it appear better
6 or of greater value than it is.

7 (i) the term "inspector" means any person authorized
8 by the Secretary of Agriculture to inspect poultry and poul-
9 try products under the authority of this Act.

10 (j) The term "official inspection mark" means the
11 symbol, formulated pursuant to rules and regulations pre-
12 scribed by the Secretary, stating that the product was
13 inspected.

14 (k) The term "inspection Service" means the official
15 Government service within the Department of Agriculture
16 having the responsibility for the inspection for wholesome-
17 ness of poultry and poultry products, and for carrying out
18 the provisions of this Act.

19 (l) The terms "container" or "package" include any
20 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
21 or cover.

22 (m) The term "official establishment" means any
23 establishment as determined by the Secretary at which
24 inspection of the slaughter of poultry, or the processing of

1 poultry products, is maintained under the authority of this
2 Act.

3 (n) The term "label" means any written, printed, or
4 graphic material upon the shipping container or upon the
5 individual consumer package, if any, of the poultry product,
6 or accompanying such product.

7 DESIGNATION

8 SEC. 5. The Secretary is authorized to ascertain from
9 time to time the cities or areas where poultry or poultry
10 products are handled or consumed in such volume as to affect,
11 burden, or obstruct the movement of inspected poultry prod-
12 ucts in commerce. Whenever, after public hearing, he finds
13 that the designation of such a city or area will tend to
14 effectuate the purposes of this Act, he shall by order desig-
15 nate such city or area and prescribe the provisions of this
16 Act which shall be applicable thereto and grant such
17 exemptions therefrom as he determines practicable. Such
18 designation shall not become effective until six months after
19 the notice thereof is published in the Federal Register. On
20 and after the effective date of such designation, all poultry
21 and poultry products processed, sold, received, or delivered
22 in any such designated city or area shall be subject to the
23 provisions of this Act.

1 INSPECTION, REINSPECTION, AND QUARANTINE

2 SEC. 6 (a) For the purpose of preventing the entry into
3 or flow or movement in commerce or in a designated city or
4 area of any poultry product which is unwholesome, the Sec-
5 retary shall, whenever processing operations are being con-
6 ducted, make such examination, inspection (ante mortem,
7 post mortem, or both) as he determines necessary of poultry
8 and of poultry products in any official establishment process-
9 ing such poultry or poultry products for commerce or in, or
10 for marketing in a designated city or area. All carcasses and
11 parts thereof and poultry products found to be unwholesome,
12 shall be condemned and shall, if no appeal be taken from
13 such determination of condemnation, be destroyed for human
14 food purposes under the supervision of an inspector. If an
15 appeal be taken from such determination, the product shall
16 be appropriately marked and segregated ending completion
17 of an appeal inspection, which appeal shall be at the cost of
18 the appellant if the Secretary determines that the appeal is
19 frivolous. If the determination of condemnation is sustained
20 the product shall be destroyed for human food purposes under
21 the supervision of an inspector.

22 (B) REINSPECTION

23 Under rules and regulations prescribed by the Secretary,
24 there shall be reinspection of carcasses and parts thereof at

1 official establishments as often as may be deemed necessary
2 to insure fitness of poultry products for human consumption.
3 The condemnation and destruction procedures prescribed
4 hereunder shall be applicable if necessary, upon such rein-
5 spection, notwithstanding that such poultry products had
6 been passed and certified in the previous inspection.

7 (C) QUARANTINE AND SEGREGATION

8 Under rules and regulations prescribed by the Secretary,
9 inspectors shall have authority to direct such quarantine or
10 segregation of uninspected, suspect, or condemned live poul-
11 try or carcasses or parts thereof at official establishments as
12 will prevent contamination of poultry and poultry products
13 which may be certified as edible for human consumption.

14 SANITATION, FACILITIES, AND PRACTICES

15 SEC. 7. (a) Each official establishment slaughtering
16 poultry or processing poultry products for commerce or in
17 or for marketing in a designated city or area shall have such
18 premises, facilities, and equipment, and be operated in accord-
19 ance with such sanitary practices, as are required by regula-
20 tions promulgated by the Secretary for the purpose of pre-
21 venting the entry into or flow or movement in commerce or
22 in a designated city or area, of poultry products which are
23 unwholesome, adulterated, or otherwise unfit for human food.

(b) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

LABELING

6 SEC. 8. (a) Each shipping container of any poultry
7 product inspected under the authority of this Act and found
8 to be wholesome and not adulterated, shall at the time such
9 product leaves the official establishment bear, in distinctly
10 legible form, the official inspection mark, the name of the
11 product, an accurate statement of the quantity of the con-
12 tents in terms of weight, measure or numerical count, the
13 name and address of the processor and the approved plant
14 number of the official establishment in which the contents
15 were processed. Each individual consumer package, if any,
16 of any poultry product inspected under the authority of
17 this Act and found to be wholesome and not adulterated
18 shall at the time such product leaves the official establish-
19 ment bear, in addition to the official inspection mark, in
20 distinctly legible form, the name of the product, a statement
21 of ingredients if fabricated from two or more ingredients,
22 the net weight or other appropriate measure of the contents,
23 the name and address of the processor and the approved
24 plant number of the official establishment in which the con-
25 tents were processed. The name and address of the dis-

1 tributor may be used in lieu of the name and address of the
2 processor if the approved plant number is used to identify
3 the official establishment in which the poultry product was
4 prepared and packed. The Secretary may permit reasonable
5 variations and grant exemptions from the foregoing label-
6 ing requirements in any manner not in conflict with the
7 Federal Food, Drug, and Cosmetic Act.

8 (b) The use of any written, printed, or graphic matter,
9 upon or accompanying any poultry product inspected or
10 required to be inspected pursuant to the provisions of this
11 Act, or the container thereof, which is false or misleading in
12 any particular is prohibited. No poultry products inspected
13 or required to be inspected pursuant to the provisions of
14 this Act, shall be sold or offered for sale by any person, firm,
15 or corporation under any false or deceptive name; but
16 established trade name or names which are usual to such
17 products and which are not false and deceptive and which
18 shall be approved by the Secretary are permitted. If the
19 Secretary has reason to believe that any label in use or
20 prepared for use is false or misleading in any particular,
21 he may direct that the use of the label be withheld unless
22 it is modified in such manner as the Secretary may prescribe
23 so that it will not be false or misleading. If the person
24 using or proposing to use the label does not accept the
25 determination of the Secretary, he may request a hearing,

1 but the use of the label shall, if the Secretary so directs, be
2 withheld pending hearing and final determination by the
3 Secretary. Any such determination by the Secretary, shall
4 be conclusive unless within thirty days after the receipt
5 of notice of such final determination the person adversely
6 affected thereby appeals to the United States court of appeals
7 for the circuit in which he has his principal place of business
8 or to the United States Court of Appeals for the District of
9 Columbia Circuit. The provisions of section 204 of the
10 Packers and Stockyards Act of 1921, as amended, shall be
11 applicable to appeals taken under this section.

12 PROHIBITED ACTS

13 SEC. 9. The following acts or the causing thereof are
14 hereby prohibited.

15 (a) The processing, sale or offering for sale, trans-
16 portation, or delivery or receiving for transportation, in
17 commerce or in a designated city or area, of any poultry
18 product, unless such poultry product has been inspected for
19 wholesomeness and unless the shipping container and the
20 individual consumer package, if any, are marked in accord-
21 ance with the provisions of this Act.

22 (b) The sale or other disposition for human food of
23 any poultry or poultry product, which has been inspected
24 and declared to be unwholesome or adulterated under this
25 Act.

1 (c) Knowingly and falsely making or issuing, altering,
2 forging, simulating, or counterfeiting any official inspection
3 certificate, memorandum, mark, or other identification, or
4 device for making such mark or identification, used in con-
5 nection with the inspection of poultry or poultry products
6 under this Act, or knowingly causing, procuring, aiding,
7 assisting in, or being a party to, such false making, issuing,
8 altering, forging, simulating, or counterfeiting, or knowingly
9 possessing, without promptly notifying the Secretary of
10 Agriculture or his representative, uttering, publishing, or
11 using as true, or causing to be uttered, published, or used
12 as true, any such falsely made or issued, altered, forged,
13 simulated, or counterfeited official inspection certificate,
14 memorandum, mark or other identification, or device for
15 making such mark or identification, or knowingly repre-
16 senting that any poultry or poultry product has been
17 officially inspected under the authority of this Act when
18 such poultry or poultry product has in fact not been so
19 inspected.

20 (d) Knowingly using in commerce, or in a designated
21 city or area, a false or misleading label on any poultry
22 product.

23 (e) The use of any container bearing an official inspec-
24 tion mark except for the poultry product in the original form

1 in which it was inspected and covered by said mark unless
2 the mark is removed, obliterated, or otherwise destroyed.

3 (f) The refusal to permit access by any duly authorized
4 representative of the Secretary, at all reasonable times, to
5 the premises of an establishment engaged in processing
6 poultry or poultry products for commerce, or in or for mar-
7 keting in a designated city or area, upon presentation of
8 appropriate credentials.

9 (g) The refusal to permit access to and the copying
10 of any record as authorized by section 11 of this Act.

11 (h) The using by any person to his own advantage,
12 or revealing, other than to the authorized representatives
13 of the Government in their official capacity, or to the courts
14 when relevant in any judicial proceeding under this Act,
15 any information acquired under the authority of this Act,
16 concerning any matter which as a trade secret is entitled
17 to protection.

18 (i) Delivering, receiving, transporting, selling, or offer-
19 ing for sale or transport any poultry slaughtered for human
20 food or any part thereof, separately or in combination with
21 other ingredients (other than poultry products as defined
22 in this Act), in commerce or in a designated city or area,
23 except that such poultry may be permitted to be transported
24 between official establishments and to foreign countries pur-
25 suant to rules and regulations prescribed by the Secretary.

1 SEC. 10. No establishment processing poultry or poul-
2 try products for commerce or in or for marketing in a des-
3 ignated city or area shall process any poultry or poultry
4 product except in compliance with the requirements of this
5 Act.

6 RECORDS OF INTERSTATE SHIPMENT

7 SEC. 11. For the purpose of enforcing the provisions
8 of this Act, persons engaged in the business of processing,
9 transporting, shipping, or receiving poultry slaughtered for
10 human consumption or poultry products in commerce or
11 in a designated city or area, or holding such products so
12 received shall maintain records for a period of not more
13 than two years, showing, to the extent that they are con-
14 cerned therewith, the receipt, delivery, sale, movement, or
15 disposition of poultry and poultry products and shall, upon
16 the request of a duly authorized representative of the Sec-
17 retary, permit him at reasonable times to have access to and
18 to copy all such records.

19 INJUNCTION PROCEEDINGS

20 SEC. 12. The district courts of the United States are
21 vested with jurisdiction specifically to enforce, and to pre-
22 vent and restrain violations of this Act. The remedies pro-
23 vided for in this section shall be in addition to, and not
24 exclusive of, any of the remedies or penalties provided for

1 elsewhere in this Act or now or hereafter existing at law or
2 in equity.

3 PENALTIES

4 SEC. 13. Any person who knowingly violates the pro-
5 visions of section 9, 10, 11, or 18, shall be guilty of a mis-
6 demeanor and shall on conviction thereof be subject to im-
7 prisonment for not more than one year, or a fine of not
8 more than \$5,000, or both such imprisonment and fine; but
9 if such violation is committed after a conviction of such
10 person under this section has become final such person shall
11 be subject to imprisonment for not more than two years, or
12 a fine of not more than \$10,000, or both such imprisonment
13 and fine: *Provided*, That no carrier shall be subject to the
14 penalties of this Act, other than the penalties for violation
15 of section 11, by reason of his receipt, carriage, holding, or
16 delivery, in the usual course of business as a carrier, of
17 slaughtered poultry or poultry products, owned by another
18 person unless the carrier has knowledge, or is in possession
19 of facts which would cause a reasonable person to believe that
20 such slaughtered poultry or poultry products were not in-
21 spected or marked in accordance with the provisions of this
22 Act or were not otherwise eligible for transportation under
23 this Act. When construing or enforcing the provisions of
24 said sections, the act, omission, or failure of any person
25 acting for or employed by any individual, partnership, cor-

1 poration, or association within the scope of his employment
2 or office shall in every case be deemed the act, omission, or
3 failure of such individual, partnership, corporation, or asso-
4 ciation, as well as of such person.

5 SEC. 14. Before any violation of this Act is reported by
6 the Secretary to any United States attorney for institution
7 of a criminal proceeding, the person against whom such pro-
8 ceeding is contemplated shall be given reasonable notice of
9 the alleged violation and opportunity to present his views
10 orally or in writing with regard to such contemplated pro-
11 ceeding. Nothing in this Act shall be construed as requiring
12 the Secretary to report for criminal prosecution or for the
13 institution of injunction proceedings of minor violations of
14 this Act whenever he believes that the public interest will be
15 adequately served and compliance with the Act obtained by
16 a suitable written notice or warning.

17 REGULATIONS

18 SEC. 15. The Secretary shall promulgate such rules and
19 regulations as are necessary to carry out the provisions of
20 this Act.

21 EXEMPTIONS

22 SEC. 16. (a) The Secretary is authorized, by regulation
23 and under such conditions as to sanitary standards, practices,
24 and procedures as he may prescribe, to exempt from specific
25 provisions of this Act—

1 (1) poultry producers with respect to poultry of
2 their own raising on their own farms which they sell
3 directly to household consumers only: *Provided*, That
4 such poultry producers do not engage in buying or sell-
5 ing poultry products other than those produced from
6 poultry raised on their own farms;

7 (2) retail dealers with respect to poultry products
8 sold directly to consumers in individual retail stores:
9 *Provided*, That the only processing operation performed
10 by such retail dealers is the cutting up of poultry
11 products on the premises in which such sales to con-
12 sumers are made;

13 (b) The Secretary may by order suspend or terminate
14 any exemption under this section with respect to any per-
15 son whenever he finds that such action will aid in effectuat-
16 ing the purposes of this Act.

17 VIOLATIONS BY EXEMPTED PERSONS

18 SEC. 17. Any person who sells, delivers, transports
19 or offers for sale or transportation in commerce or in a
20 designated city or area any poultry products which are
21 exempt under section 16, knowing that such products are
22 unwholesome or adulterated, shall be guilty of a misde-
23 meanor and shall on conviction thereof be subject to the
24 penalties set forth in section 13.

IMPORTS

SEC. 18. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food and not adulterated and contain no dye, chemical, preservative, or ingredient which renders them unhealthy, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this Act. All imported slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution of such Acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless

1 such slaughtered poultry, or parts or products thereof, be
2 exported by the consignee within the time fixed therefor in
3 such rules and regulations.

4 (c) All charges for storage, cartage, and labor with re-
5 spect to any product which is refused admission pursuant
6 to this section shall be paid by the owner or consignee, and
7 in default of such payment shall constitute a lien against any
8 other products imported thereafter by or for such owner or
9 consignee.

10 GENERAL PROVISIONS

11 SEC. 19. (a) Poultry and poultry products shall be
12 exempt from the provisions of the Federal Food, Drug, and
13 Cosmetic Act, as amended, to the extent of the application
14 or the extension thereto of the provisions of this Act.

15 (b) In carrying out the provisions of this Act, the
16 Secretary may cooperate with other branches of govern-
17 ment and with State agencies and may conduct such ex-
18 aminations, investigations, and inspections as he determines
19 practicable through any officer or employee of a State com-
20 missioned by the Secretary for such purpose.

21 COST OF INSPECTION

22 SEC. 20. The cost of inspection rendered under the
23 requirements of this Act shall be borne by the United States
24 except the cost of overtime work performed at the proces-
25 sor's request. The Secretary of Agriculture is authorized in

1 his discretion to pay inspectors employed in establishments
2 subject to the provisions of this Act for all overtime work
3 performed at such establishments at such rates as he may
4 determine and to accept from such establishments wherein
5 such overtime work is performed reimbursement for any
6 sums paid out by him for such overtime work, such reim-
7 bursement to be available without fiscal-year limitation to
8 carry out the purposes of this section.

9 APPROPRIATIONS

10 SEC. 21. There is hereby authorized to be appropriated
11 such sums as are necessary to carry out the provisions of
12 this Act.

13 SEPARABILITY OF PROVISIONS

14 SEC. 22. If any provision of this Act or the application
15 thereof to any person or circumstances is held invalid, the
16 validity of the remainder of the Act and of the application
17 of such provision to other persons and circumstances shall
18 not be affected thereby.

19 SEC. 23. This Act shall take effect January 1, 1958:
20 *Provided*, That no person shall be subject to the provisions
21 of this Act prior to July 1, 1958, unless such person applies
22 for and receives inspection for poultry or poultry products in
23 accordance with the provisions of this Act and pursuant
24 to regulations promulgated by the Secretary hereunder, in
25 any establishment processing poultry or poultry products in

1 commerce or in a designated city or area. Any person who
2 voluntarily applies for and receives such inspection prior to
3 July 1, 1958, shall be subject, on and after the date he
4 commences to receive such inspection, to all of the provisions
5 and penalties provided for in this Act with respect to all poul-
6 try or poultry products handled in the establishment for
7 which said application for inspection is made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. ABERNETHY

JANUARY 3, 1957

Referred to the Committee on Agriculture

85TH CONGRESS
1ST SESSION

H. R. 1964

85TH CONGRESS
1ST SESSION

H. R. 1964

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1957

Mr. MILLER of Maryland introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Poultry Products Inspec-
4 tion Act”.

LEGISLATIVE FINDING

6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome poultry products in the channels of interstate or
11 foreign commerce are injurious to the public welfare, ad-

1 versely affect the marketing of wholesome poultry products,
2 result in sundry losses to producers, and destroy markets for
3 wholesome poultry products. The marketing of wholesome
4 poultry products is affected with the public interest and
5 directly affects the welfare of the people. All poultry and
6 poultry products which have or are required to have in-
7 spection under this Act are either in the current of inter-
8 state or foreign commerce or directly affect such commerce.
9 That part that enters directly into the current of interstate or
10 foreign commerce cannot be effectively inspected and regu-
11 lated without also inspecting and regulating all poultry and
12 poultry products processed or handled in the same establish-
13 ment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popu-
16 lation directly affects the movement of poultry and poultry
17 products in interstate commerce. To protect interstate com-
18 merce in poultry and poultry products inspected for whole-
19 someness, from being adversely burdened, obstructed, or
20 affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture is authorized after public hearing
22 to ascertain from time to time and to designate cities or
23 areas where poultry or poultry products are handled or
24 consumed in such volume as to affect the movement of
25 inspected poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated city or area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. The Secretary is authorized to ascertain from time to time the cities or areas where poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce. Whenever, after public hearing, he finds that the designation of such a city or area will tend to effectuate the purposes of this Act, he shall by publication in the Federal Register give public notice of such designation and the effective date thereof which shall not be less than six months after such notice. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such designated city or area shall be subject to the provisions of this Act.

INSPECTION

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce or in a designated city or area of any poultry product which is unwholesome,

1 the Secretary shall, whenever processing operations are being
2 conducted, make such examination, inspection (ante mortem,
3 post mortem, or both), and reinspection as he determines
4 necessary of poultry and of poultry products in any official
5 establishment processing such poultry or poultry products
6 for commerce in, or for marketing in a designated city or
7 area. All carcasses and parts thereof and poultry products
8 found to be unwholesome shall be condemned and shall, if no
9 appeal be taken from such determination of condemnation,
10 be destroyed for human food purposes under the supervision
11 of an inspector. If an appeal be taken from such determina-
12 tion, the product shall be appropriately marked and segre-
13 gated pending completion of an appeal inspection, which
14 appeal shall be at the cost of the appellant if the Secretary
15 determines that the appeal is frivolous. If the determination
16 of condemnation is sustained the product shall be destroyed
17 for human food purposes under the supervision of an
18 inspector.

19 (b) The Secretary shall refuse to render inspection to
20 any establishment whose premises, facilities, or equipment,
21 or the operation thereof, fail to meet the requirements of
22 section 6 of this Act.

23 SANITATION, FACILITIES AND PRACTICES

24 SEC. 6. Each official establishment slaughtering poultry
25 or processing poultry products for commerce or in or for

1 marketing in a designated city or area shall have such
2 premises, facilities and equipment, and be operated in
3 accordance with such sanitary practices, as are required and
4 approved by the Secretary for the purpose of preventing
5 the entry into or flow or movement in commerce or in a
6 designated city or area, of poultry products which are un-
7 wholesome.

8 LABELING

9 SEC. 7. (a) Each shipping container of any poultry
10 product inspected under the authority of this Act and found
11 to be wholesome, shall at the time such product leaves the
12 official establishment bear, in distinctly legible form, the
13 official inspection mark, the name of the product, an accurate
14 statement of the quantity of the contents in terms of weight,
15 measure or numerical count, and the name and address or
16 an approved plant number of the official establishment in
17 which the contents were processed. Each individual con-
18 sumer package, if any, of any poultry product inspected
19 under the authority of this Act and found to be wholesome
20 shall bear, in addition to the official inspection mark, in
21 distinctly legible form, the name of the product, a statement
22 of ingredients if fabricated from two or more ingredients,
23 the net weight or other appropriate measure of the contents,
24 and the name and address or approved plant number of the
25 official establishment in which the contents were processed:

1 *Provided*, That the name and address of the distributor may
2 be used if the approved plant number is used to identify the
3 official establishment in which the poultry product was pre-
4 pared and packed. The Secretary may permit reasonable
5 variations and grant exemptions from any labeling require-
6 ment in such manner as he may determine practicable.

7 (b) The use of any written, printed or graphic matter
8 upon or accompanying any poultry product inspected or
9 required to be inspected pursuant to the provisions of this
10 Act or the container thereof which is false or misleading is
11 prohibited. If the Secretary has reason to believe that
12 any label in use or prepared for use is false or misleading,
13 he may direct that the use of the label be withheld unless
14 it is modified in such manner as the Secretary may prescribe
15 so that it will not be false or misleading. If the person
16 using or proposing to use the label does not accept the de-
17 termination of the Secretary, he may request a hearing, but
18 the use of the label shall, if the Secretary so directs, be
19 withheld pending hearing and final determination by the
20 Secretary. Any such determination by the Secretary, shall
21 be conclusive unless within thirty days after the receipt of
22 notice of such final determination the person adversely af-
23 fected thereby appeals to the United States court of appeals
24 for the circuit in which he has his principal place of business
25 or to the United States Court of Appeals for the District of

1 Columbia Circuit. The provisions of section 204 of the
2 Packers and Stockyards Act of 1921 as amended, shall be
3 applicable to appeals taken under this section.

4 PROHIBITED ACTS

5 SEC. 8. The following acts or the causing thereof are
6 hereby prohibited:

7 (a) The processing, sale or offering for sale, in com-
8 merce, or the introduction, delivery for introduction, trans-
9 portation, or receiving for transportation, in commerce, of
10 any poultry product, unless such poultry product has been
11 inspected for wholesomeness and unless the shipping con-
12 tainer and the individual consumer package, if any, are
13 marked in accordance with the provisions of this Act.

14 (b) The processing, delivery, sale, or offering for sale
15 or transport of any poultry product in a designated city or
16 area, unless such poultry product has been inspected for
17 wholesomeness in accordance with the provisions of this Act.

18 (c) The sale or other disposition for human food of
19 any poultry or poultry product which has been inspected
20 and declared to be unwholesome under this Act.

21 (d) Knowingly and falsely making or issuing, altering,
22 forging, simulating, or counterfeiting any official inspection
23 certificate, mark, or device for making such mark, or know-
24 ingly causing, procuring, aiding, assisting in, or being a
25 party to, such false making or issuing, altering, forging, simu-

1 lating, or counterfeiting, or knowingly possessing, without
2 promptly notifying the Secretary of Agriculture or his repre-
3 sentative, uttering, or using as true, or causing to be uttered
4 or used as true, any such falsely made or issued, altered,
5 forged, simulated, or counterfeited official inspection certifi-
6 cate, mark, or device for making such mark, or knowingly
7 representing that any poultry product has been officially in-
8 spected under the authority of this Act when such poultry
9 product has in fact not been so inspected.

10 (e) Knowingly using in commerce, or in a designated
11 city or area, a false or misleading label on any poultry
12 product.

13 (f) The use of any container bearing an official in-
14 spection mark except for the poultry product in the original
15 form in which it was inspected and covered by said mark
16 unless the mark is removed, obliterated, or otherwise
17 destroyed.

18 (g) The refusal to permit access by any duly author-
19 ized representative of the Secretary, at all reasonable times,
20 to the premises of an establishment engaged in processing
21 poultry or poultry products for commerce, or in or for
22 marketing in a designated city or area, upon presentation
23 of appropriate credentials.

24 (h) The refusal to permit access to and the copying
25 of any record as authorized by section 10 of this Act.

1 (i) The using by any person to his own advantage,
2 or revealing, other than to the authorized representatives of
3 the Government in their official capacity, or to the courts,
4 when relevant in any judicial proceeding under this Act,
5 any information acquired under the authority of this Act,
6 concerning any matter which as a trade secret is entitled to
7 protection.

8 (j) Delivering, receiving, transporting, selling, or offer-
9 ing for sale or transport any poultry slaughtered for human
10 food or any part thereof, separately or in combination with
11 other ingredients (other than poultry products as defined in
12 this Act), in commerce or in a designated city or area,
13 except that such poultry may be transported between official
14 establishments and to foreign countries pursuant to rules and
15 regulations prescribed by the Secretary.

16 SEC. 9. No establishment processing poultry or poultry
17 products for commerce or in or for marketing in a designated
18 city or area shall process any poultry or poultry product ex-
19 cept in compliance with the requirements of this Act.

20 RECORDS OF INTERSTATE SHIPMENT

21 SEC. 10. For the purpose of enforcing the provisions
22 of this Act, carriers engaged in commerce; and persons
23 shipping or receiving poultry slaughtered for human con-
24 sumption or poultry products in commerce or in a designated

1 city or area, or holding such products so received, shall,
2 upon the request of a duly authorized representative of the
3 Secretary, permit him, at reasonable times, to have access
4 to and to copy all records showing the movement in com-
5 merce or in a designated city or area of any poultry slaugh-
6 tered for human consumption or poultry product, or the
7 holding thereof during or after such movement, and the
8 quantity, shipper, and consignee thereof: *Provided*, That
9 evidence obtained under this section shall not be used in a
10 criminal prosecution of the person from whom it is obtained:
11 *And provided further*, That carriers shall not be subject to
12 the other provisions of this Act by reason of their receipt,
13 carriage, holding, or delivery of poultry products in the
14 usual course of business as carriers.

15 INJUNCTION PROCEEDINGS

16 SEC. 11. The district courts of the United States are
17 vested with jurisdiction specifically to enforce, and to pre-
18 vent and restrain violations of this Act. The remedies pro-
19 vided for in this section shall be in addition to, and not
20 exclusive of, any of the remedies or penalties provided for
21 elsewhere in this Act or now or hereafter existing at law
22 or in equity.

23 PENALTIES

24 SEC. 12. Any person who willfully violates the provi-
25 sions of section 8, 9, 10, or 17, shall be guilty of a misde-

1 meanor and shall on conviction thereof be subject to im-
2 prisonment for not more than six months, or a fine of not
3 more than \$1,000, or both such imprisonment and fine;
4 but if such violation is committed after a conviction of such
5 person under this section has become final such person shall
6 be subject to imprisonment for not more than one year,
7 or a fine of not more than \$10,000, or both such imprison-
8 ment and fine.

9 SEC. 13. Before any violation of this Act is reported by
10 the Secretary to any United States attorney for institution of
11 a criminal proceeding, the person against whom such pro-
12 ceeding is contemplated shall be given reasonable notice of
13 the alleged violation and opportunity to present his views
14 orally and in writing with regard to such contemplated pro-
15 ceeding. Nothing in this Act shall be construed as requir-
16 ing the Secretary to report for criminal prosecution or for
17 the institution of injunction proceedings violations of this
18 Act whenever he believes that the public interest will be
19 adequately served and compliance with the Act obtained by
20 a suitable written notice or warning.

21 REGULATIONS

22 SEC. 14. The Secretary shall promulgate such rules and
23 regulations as are necessary to carry out the provisions of
24 this Act, and all inspections and examinations made under
25 this Act shall be made in such manner as prescribed in the

1 rules and regulations promulgated by the Secretary not in-
2 consistent with the provisions of this Act.

3 EXEMPTIONS

4 SEC. 15. (a) The Secretary is authorized, under such
5 regulations as he may prescribe, to issue certificates of
6 exemption to any poultry producer for poultry of his own
7 raising on his own farm which he sells directly to household
8 consumers only and who does not engage in buying or selling
9 poultry products other than those produced on his own farm.

10 (b) For two years following the effective date of this
11 Act certificates of exemption may also be issued in other
12 cases where the Secretary determines that it would be im-
13 practicable or he is unable to provide inspection and that the
14 issuance of a certificate of exemption would aid in the effec-
15 tive administration of this Act. The Secretary may require
16 that any person as a condition to the receipt of an exemption
17 certificate shall comply with the sanitation standards, prac-
18 tices, and procedures promulgated by the Secretary in rules
19 and regulations.

20 (c) The Secretary may terminate exemption certificates
21 at any time.

22 VIOLATIONS BY EXEMPTED PERSONS

23 SEC. 16. Any person who sells, delivers, transports or
24 offers for sale or transportation in commerce or in a desig-
25 nated city or area any poultry products under an exemption

1 certificate issued under section 15, knowing that such prod-
2 ucts are unwholesome and are intended for human consump-
3 tion, shall be guilty of a misdemeanor and shall on conviction
4 thereof be subject to the penalties set forth in section 12.

5 IMPORTS

6 SEC. 17. The Secretary of the Treasury shall notify the
7 Secretary of Agriculture of the arrival of any poultry prod-
8 uct offered for importation. If it appears to the Secretary
9 of Agriculture that such product has been processed and
10 packed under a system of inspection and under such sanitary
11 conditions as are comparable to those required by this Act,
12 and if it appears that such product is marked and labeled
13 in a manner consistent with the requirements of this Act,
14 and if it appears, from such examination or inspection as
15 the Secretary deems necessary, that such product is other-
16 wise fit for human consumption, such product may be ad-
17 mitted entry, provided such product meets such other require-
18 ments of law as may be applicable, otherwise such product
19 shall be refused admission and the Secretary of the Treasury
20 shall refuse delivery to the consignee and shall cause destruc-
21 tion of any such product which shall not have been exported
22 by the consignee or the owner thereof within thirty days
23 from the date of notice of such refusal under such regulations
24 as the Secretary of the Treasury may prescribe: *Provided*,
25 That all charges for storage, cartage, and labor with respect

1 to any such product which is refused admission shall be paid
2 by the owner or consignee, and in default of such payment
3 shall constitute a lien against any other products imported
4 thereafter by or for such owner or consignee. The Secretary
5 of the Treasury and the Secretary of Agriculture are author-
6 ized to issue rules and regulations to carry out the provisions
7 of this section of the Act.

8 GENERAL PROVISIONS

9 SEC. 18. (a) For the purpose of preventing and elimi-
10 nating burdens on commerce in poultry and poultry prod-
11 ucts, the jurisdiction of the Secretary in the fields within
12 the scope of this Act shall be exclusive and poultry and
13 poultry products shall also be exempt from the provisions
14 of the Act of June 25, 1938 (52 Stat. 1040, ch. 675),
15 as amended, to the extent that they are covered by the
16 provisions of this Act.

17 (b) In carrying out the provisions of this Act, the
18 Secretary may cooperate with other branches of Govern-
19 ment and with State agencies and may conduct such exam-
20 inations, investigations and inspections as he determines
21 practicable through any officer or employee of a State com-
22 missioned by the Secretary for such purpose.

APPROPRIATIONS

SEC. 19. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

DEFINITIONS

SEC. 21. For purposes of this Act—

(a) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term “Secretary” means the Secretary of Agriculture.

(c) The term “person” means any individual, partnership, corporation, association, or any other business unit.

1 (d) The term "poultry" means any live or slaughtered
2 domesticated or commercially produced game bird.

3 (e) The term "poultry product" means any poultry
4 which has been slaughtered for human food from which
5 the blood, feathers, feet, head and viscera have been removed
6 in accordance with rules and regulations promulgated by
7 the Secretary any edible part of poultry, or, unless exempted
8 by the Secretary, any human food product consisting of any
9 edible part of poultry separately or in combination with
10 other ingredients.

11 (f) The term "wholesome" means sound, healthful,
12 wholesome and otherwise fit for human food.

13 (g) The term "unwholesome" means:

14 (1) Unsound, injurious to health or otherwise rendered
15 unfit for human food.

16 (2) Consisting in whole or in part of any filthy, putrid,
17 or decomposed substance.

18 (3) Processed, prepared, packed, or held under un-
19 sanitary conditions whereby a poultry product may have
20 become contaminated with filth or whereby a poultry product
21 may have been rendered injurious to health.

22 (4) Produced in whole or in part from poultry which
23 has died otherwise than by slaughter.

24 (5) Packaged in a container composed of any poisonous

1 or deleterious substance which may render the contents in-
2 jurious to health.

3 (h) The term "inspector" means any person authorized
4 by the Secretary of Agriculture to inspect poultry and poultry
5 products under the authority of this Act.

6 (i) The term "official inspection mark" means the sym-
7 bol, formulated pursuant to rules and regulations prescribed
8 by the Secretary, stating that the product was inspected.

9 (j) The term "inspection service" means the official
10 Government service within the Department of Agriculture
11 having the responsibility for the inspection for wholesome-
12 ness of poultry and poultry products, and for carrying out
13 the provisions of this Act.

14 (k) The terms "container" or "package" include any
15 box, can, tin, cloth, plastic or any other receptacle, wrapper,
16 or cover.

17 (l) The term "official establishment" means any estab-
18 lishment as determined by the Secretary at which inspection
19 of the slaughter of poultry, or the processing of poultry
20 products, is maintained under the authority of this Act.

21 (m) The term "label" means any written, printed, or
22 graphic material upon the shipping container or upon the
23 individual consumer package, if any, of a poultry product,
24 or accompanying such product.

1 EFFECTIVE DATE

2 SEC. 22. This Act shall take effect on July 1, 1958,
3 except that pending the effective date of this Act, the Sec-
4 retary is authorized to promulgate rules and regulations and
5 to furnish inspection for poultry and poultry products in
6 accordance with the provisions of this Act to any establish-
7 ment processing poultry and poultry products in commerce
8 or in a designated city or area which voluntarily submits
9 to the provisions of this Act by making application for and
10 receiving inspection provided for herein. Any person who
11 applies for and is receiving such inspection prior to July
12 1, 1958, shall be subject to all the provisions and penalties
13 herein provided for.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. MILLER of Maryland

JANUARY 5, 1957

Referred to the Committee on Agriculture

JANUARY 7 (legislative day, JANUARY 3), 1957

A BILL

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Poultry Products In-
4 spection Act”.

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Un-

1 wholesome and adulterated poultry products in the channels
2 of interstate or foreign commerce are injurious to the public
3 welfare, adversely affect the marketing of wholesome poultry
4 products, result in sundry losses to producers, and destroy
5 markets for wholesome poultry products. The marketing of
6 wholesome poultry products is affected with the public in-
7 terest and directly affects the welfare of the people. All
8 poultry and poultry products which have or are required to
9 have inspection under this Act are either in the current of
10 interstate or foreign commerce or directly affect such com-
11 merce. That part that enters directly into the current of
12 interstate or foreign commerce cannot be effectively inspected
13 and regulated without also inspecting and regulating all
14 poultry and poultry products processed or handled in the
15 same establishment.

16 The great volume of poultry products required as an
17 article of food for the inhabitants of large centers of popu-
18 lation may directly affect the movement of poultry and poul-
19 try products in interstate commerce. To protect interstate
20 commerce in poultry and poultry products inspected for
21 wholesomeness, from being adversely burdened, obstructed,
22 or affected by uninspected poultry or poultry products, the
23 Secretary of Agriculture upon request of the appropriate
24 authority is authorized after public hearing to ascertain
25 from time to time and to designate cities or areas where

1 poultry or poultry products are handled or consumed in
2 such volume as to affect the movement of inspected poultry
3 or poultry products in interstate commerce.

4 DECLARATION OF POLICY

5 SEC. 3. It is hereby declared to be the policy of Con-
6 gress to provide for the inspection of poultry and poultry
7 products by the inspection service as herein provided to
8 prevent the movement in interstate or foreign commerce or
9 in a designated city or area of poultry products which are
10 unwholesome, adulterated, or otherwise unfit for human
11 food.

12 DEFINITIONS

13 SEC. 4. For purposes of this Act—

14 (a) The term “commerce” means commerce between
15 any point in any State, Territory, or possession, or the Dis-
16 trict of Columbia, and any place outside thereof; or between
17 points within the same State or the District of Columbia, but
18 through any place outside thereof; or within the District of
19 Columbia.

20 (b) The term “Secretary” means the Secretary of
21 Agriculture.

22 (c) The term “person” means any individual, partner-
23 ship, corporation, association, or any other business unit.

24 (d) The term “poultry” means any live or slaughtered
25 domesticated bird or commercially produced game bird.

1 (e) The term "poultry product" means any poultry
2 which has been slaughtered for human food from which
3 the blood, feathers, feet, head, and viscera have been removed
4 in accordance with rules and regulations promulgated by
5 the Secretary, any edible part of poultry, or, unless exempted
6 by the Secretary, any human food product consisting of any
7 edible part of poultry separately or in combination with
8 other ingredients.

9 (f) The term "wholesome" means sound, healthful,
10 clean, and otherwise fit for human food.

11 (g) The term "unwholesome" means:

12 (1) Unsound, injurious to health, or otherwise rendered
13 unfit for human food.

14 (2) Consisting in whole or in part of any filthy, putrid,
15 or decomposed substance.

16 (3) Processed, prepared, packed, or held under unsani-
17 tary conditions whereby a poultry product may have become
18 contaminated with filth or whereby a poultry product may
19 have been rendered injurious to health.

20 (4) Produced in whole or in part from diseased poultry
21 or poultry which has died otherwise than by slaughter.

22 (5) Packaged in a container composed of any poisonous
23 or deleterious substance which may render the contents in-
24 jurious to health.

25 (h) The term "adulterated" shall apply to poultry and

1 poultry products under one or more of the following cir-
2 cumstances:

3 (1) If they bear or contain any poisonous or deleterious
4 substance which may render them injurious to health; but,
5 in case the substance is not an added substance, such poultry
6 and poultry products shall not be considered adulterated un-
7 der this clause if the quantity of such substance in such
8 poultry and poultry products does not ordinarily render them
9 injurious to health.

10 (2) If they bear or contain any added poisonous or
11 added deleterious substance, unless such substance is per-
12 mitted in their production or unavoidable under good manu-
13 facturing practices as may be determined by rules and regula-
14 tions hereunder prescribed by the Secretary or other provi-
15 sions of Federal law limiting or tolerating the quantity of
16 such added substance on or in such poultry and poultry
17 products: *Provided*, That any quantity of such added sub-
18 stance exceeding the limits so fixed shall also be deemed to
19 constitute adulteration.

20 (3) If any substance has been substituted, wholly or in
21 part, therefor.

22 (4) If damage or inferiority has been concealed in any
23 manner.

24 (5) If any valuable constituent has been in whole or
25 in part omitted or abstracted therefrom.

1 (6) If any substance has been added thereto or mixed
2 or packed therewith so as to increase its bulk or weight, or
3 reduce its quality or strength, or make it appear better or
4 of greater value than it is.

5 (i) The term "inspector" means any person author-
6 ized by the Secretary of Agriculture to inspect poultry and
7 poultry products under the authority of this Act.

8 (j) The term "official inspection mark" means the
9 symbol, formulated pursuant to rules and regulations pre-
10 scribed by the Secretary, stating that the product was
11 inspected.

12 (k) The term "inspection service" means the official
13 Government service within the Department of Agricul-
14 ture having the responsibility for the inspection for whole-
15 someness of poultry and poultry products, and for carrying
16 out the provisions of this Act.

17 (l) The terms "container" or "package" include any
18 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
19 or cover.

20 (m) The term "official establishment" means any estab-
21 lishment as determined by the Secretary at which inspection
22 of the slaughter of poultry, or the processing of poultry
23 products, is maintained under the authority of this Act.

24 (n) The term "label" means any written, printed, or
25 graphic material upon the shipping container or upon the

1 individual consumer package, if any, of the poultry product,
2 or accompanying such product.

3 DESIGNATION

4 SEC. 5. The Secretary is authorized to ascertain from
5 time to time the cities or areas where poultry or poultry
6 products are handled or consumed in such volume as to affect,
7 burden, or obstruct the movement of inspected poultry prod-
8 ucts in commerce. Whenever, after public hearing, he finds
9 that the designation of such a city or area will tend to effectu-
10 ate the purposes of this Act, he shall by order designate
11 such city or area and prescribe the provisions of this Act
12 which shall be applicable thereto and grant such exemptions
13 therefrom as he determines practicable. Such designation
14 shall not become effective until six months after the notice
15 thereof is published in the Federal Register. On and after
16 the effective date of such designation, all poultry and poultry
17 products processed, sold, received, or delivered in any such
18 designated city or area shall be subject to the provisions of
19 this Act.

20 INSPECTION, REINSPECTION, AND QUARANTINE

21 SEC. 6. (a) ANTE MORTEM INSPECTION.—For the
22 purpose of preventing the entry into or flow or movement in
23 commerce or in a designated city or area of poultry products
24 which are unsound, unhealthful, unwholesome, adulterated,
25 or otherwise unfit for human food, the Secretary in his dis-

1 cretion may cause to be made by inspectors pursuant to
2 rules and regulations prescribed by him such ante mortem
3 examination, inspection, quarantine, segregation, and con-
4 demnation of poultry about to be slaughtered as he deems
5 necessary.

6 (b) POST MORTEM EXAMINATION.—For the purposes
7 hereinbefore set forth, the Secretary, under rules and regu-
8 lations by him prescribed, shall whenever processing opera-
9 tions are being conducted cause to be made by inspectors, in
10 each poultry processing establishment engaged in processing
11 for commerce or for or in a designated city or area a post
12 mortem examination and inspection of the carcass of each
13 bird processed. Poultry products found to be sound, health-
14 ful, wholesome, unadulterated, and fit for human food shall
15 be labeled in accordance with the provisions of this Act.
16 Poultry products and parts thereof thus inspected and found
17 to be unfit for human consumption shall be condemned and
18 shall, if no appeal be taken from such determination of con-
19 demnation, be destroyed for human food purposes under the
20 supervision of an inspector. If an appeal be taken from
21 such determination, the product shall be appropriately
22 marked and segregated pending completion of an appeal
23 inspection, which appeal shall be at the cost of the appellant
24 if the Secretary determines that the appeal is frivolous. If
25 the determination of condemnation is sustained the product

1 shall be destroyed for human food purposes under the super-
2 vision of an inspector.

3 (c) REINSPECTION.—Under rules and regulations
4 prescribed by the Secretary, there shall be reinspection of
5 carcasses and parts thereof at official establishments as often
6 as may be deemed necessary to insure fitness of poultry
7 products for human consumption. The condemnation and
8 destruction procedures prescribed hereunder shall be ap-
9 plicable if necessary, upon such reinspection, notwithstand-
10 ing that such poultry products had been passed and cer-
11 tified in the previous inspection.

12 (d) QUARANTINE AND SEGREGATION.—Under rules
13 and regulations prescribed by the Secretary, inspectors
14 shall have authority to direct such quarantine or
15 segregation of uninspected, suspect, or condemned live
16 poultry or carcasses or parts thereof at official establish-
17 ments as will prevent contamination of poultry and poultry
18 products which may be certified as edible for human con-
19 sumption.

20 SANITATION, FACILITIES AND PRACTICES

21 SEC. 7. (a) Each official establishment slaughtering
22 poultry or processing poultry products for commerce or in
23 or for marketing in a designated city or area shall have
24 such premises, facilities, and equipment, and be operated in

1 accordance with such sanitary practices, as are required
2 by regulations promulgated by the Secretary for the purpose
3 of preventing the entry into or flow or movement in com-
4 merce or in a designated city or area, of poultry products
5 which are unwholesome, adulterated, or otherwise unfit for
6 human food.

7 (b) The Secretary shall refuse to render inspection to
8 any establishment whose premises, facilities, or equipment,
9 or the operation thereof, fail to meet the requirements of
10 this section.

11 LABELING

12 SEC. 8. (a) Each shipping container of any poultry
13 product inspected under the authority of this Act and found
14 to be wholesome and not adulterated, shall at the time
15 such product leaves the official establishment bear, in dis-
16 tinctly legible form, the official inspection mark, the name
17 of the product, an accurate statement of the quantity of the
18 contents in terms of weight, measure or numerical count,
19 the name and address of the processor and the approved
20 plant number of the official establishment in which the
21 contents were processed. Each individual consumer pack-
22 age, if any, of any poultry product inspected under the au-
23 thority of this Act and found to be wholesome and not
24 adulterated shall at the time such product leaves the official
25 establishment bear, in addition to the official inspection mark,

1 in distinctly legible form, the name of the product, a state-
2 ment of ingredients if fabricated from two or more in-
3 gredients, the net weight or other appropriate measure
4 of the contents, the name and address of the processor
5 and the approved plant number of the official establishment
6 in which the contents were processed. The name and
7 address of the distributor may be used in lieu of the name
8 and address of the processor if the approved plant number
9 is used to identify the official establishment in which the
10 poultry product was prepared and packed. The Secre-
11 tary may permit reasonable variations and grant exemp-
12 tions from the foregoing labeling requirements in any
13 manner not in conflict with the Federal Food, Drug, and
14 Cosmetic Act.

15 (b) The use of any written, printed or graphic matter
16 upon or accompanying any poultry product inspected or
17 required to be inspected pursuant to the provisions of this
18 Act or the container thereof which is false or misleading in
19 any particular is prohibited. No poultry products inspected
20 or required to be inspected pursuant to the provisions of this
21 Act shall be sold or offered for sale by any person, firm, or
22 corporation under any false or deceptive name; but estab-
23 lished trade name or names which are usual to such products
24 and which are not false and deceptive and which shall be ap-
25 proved by the Secretary are permitted. If the Secretary

1 has reason to believe that any label in use or prepared for
2 use is false or misleading in any particular, he may direct
3 that the use of the label be withheld unless it is modified
4 in such manner as the Secretary may prescribe so that it
5 will not be false or misleading. If the person using or
6 proposing to use the label does not accept the determination
7 of the Secretary, he may request a hearing, but the use
8 of the label shall, if the Secretary so directs, be withheld
9 pending hearing and final determination by the Secretary.
10 Any such determination by the Secretary, shall be con-
11 clusive unless within thirty days after the receipt of notice
12 of such final determination the person adversely affected
13 thereby appeals to the United States court of appeals for
14 the circuit in which he has his principal place of business or
15 to the United States Court of Appeals for the District of
16 Columbia Circuit. The provisions of section 204 of the
17 Packers and Stockyards Act of 1921, as amended, shall
18 be applicable to appeals taken under this section.

19

PROHIBITED ACTS

20 SEC. 9. The following acts or the causing thereof are
21 hereby prohibited.

22 (a) The processing, sale or offering for sale, transpor-
23 tation, or delivery or receiving for transportation, in com-
24 merce or in a designated city or area, of any poultry product,
25 unless such poultry product has been inspected for whole-

1 someness and unless the shipping container and the individ-
2 ual consumer package, if any, are marked in accordance
3 with the provisions of this Act.

4 (b) The sale or other disposition for human food of
5 any poultry or poultry product, which has been inspected
6 and declared to be unwholesome or adulterated under this
7 Act.

8 (c) Knowingly and falsely making or issuing, altering,
9 forging, simulating, or counterfeiting any official inspection
10 certificate, memorandum, mark, or other identification, or
11 device for making such mark or identification, used in con-
12 nection with the inspection of poultry or poultry products
13 under this Act, or knowingly causing, procuring, aiding,
14 assisting in, or being a party to, such false making, issuing,
15 altering, forging, simulating, or counterfeiting, or know-
16 ingly possessing, without promptly notifying the Secretary
17 of Agriculture or his representative, uttering, publishing,
18 or using as true, or causing to be uttered, published, or used
19 as true, any such falsely made or issued, altered, forged,
20 simulated, or counterfeited official inspection certificate,
21 memorandum, mark, or other identification, or device for
22 making such mark or identification, or knowingly repre-
23 senting that any poultry or poultry product has been offi-
24 cially inspected under the Authority of this Act when such
25 poultry or poultry product has in fact not been so inspected.

1 (d) Knowingly using in commerce, or in a designated
2 city or area, a false or misleading label on any poultry
3 product.

4 (e) The use of any container bearing an official in-
5 spection mark except for the poultry product in the original
6 form in which it was inspected and covered by said mark
7 unless the mark is removed, obliterated, or otherwise
8 destroyed.

9 (f) The refusal to permit access by any duly author-
10 ized representative of the Secretary, at all reasonable times,
11 to the premises of an establishment engaged in processing
12 poultry or poultry products for commerce, or in or for mar-
13 keting in a designated city or area, upon presentation of
14 appropriate credentials.

15 (g) The refusal to permit access to and the copying
16 of any record as authorized by section 11 of this Act.

17 (h) The using by any person to his own advantage,
18 or revealing, other than to the authorized representatives of
19 the Government in their official capacity, or to the courts
20 when relevant in any judicial proceeding under this Act, any
21 information acquired under the authority of this Act, con-
22 cerning any matter which as a trade secret is entitled to
23 protection.

24 (i) Delivering, receiving, transporting, selling, or offer-
25 ing for sale or transport any poultry slaughtered for human

1 food or any part thereof, separately or in combination with
2 other ingredients (other than poultry products as defined in
3 this Act), in commerce or in a designated city or area,
4 except that such poultry may be permitted to be transported
5 between official establishments and to foreign countries pur-
6 suant to rules and regulations prescribed by the Secretary.

7 SEC. 10. No establishment processing poultry or poultry
8 products for commerce or in or for marketing in a designated
9 city or area shall process any poultry or poultry product ex-
10 cept in compliance with the requirements of this Act.

11 RECORDS OF INTERSTATE SHIPMENT

12 SEC. 11. For the purpose of enforcing the provisions
13 of this Act, persons engaged in the business of processing,
14 transporting, shipping, or receiving poultry slaughtered for
15 human consumption or poultry products in commerce or in
16 a designated city or area, or holding such products so re-
17 ceived shall maintain records showing, to the extent that
18 they are concerned therewith, the receipt, delivery, sale,
19 movement, or disposition of poultry and poultry products and
20 shall, upon the request of a duly authorized representative
21 of the Secretary, permit him at reasonable times to have
22 access to and to copy all such records.

23 INJUNCTION PROCEEDINGS

24 SEC. 12. The district courts of the United States are
25 vested with jurisdiction specifically to enforce, and to pre-

1 vent and restrain violations of this Act. The remedies pro-
2 vided for in this section shall be in addition to, and not
3 exclusive of, any of the remedies or penalties provided for
4 elsewhere in this Act or now or hereafter existing at law
5 or in equity.

6 PENALTIES

7 SEC. 13. Any person who knowingly violates the provi-
8 sions of section 9, 10, 11, or 18, shall be guilty of a misde-
9 meanor and shall on conviction thereof be subject to imprison-
10 ment for not more than one year, or a fine of not more than
11 \$5,000, or both such imprisonment and fine; but if such
12 violation is committed after a conviction of such person under
13 this section has become final such person shall be subject
14 to imprisonment for not more than two years, or a fine of
15 not more than \$10,000, or both such imprisonment and fine:
16 *Provided*, That no carrier shall be subject to the penalties of
17 this Act, other than the penalties for violation of section 11,
18 by reason of his receipt, carriage, holding, or delivery, in
19 the usual course of business as a carrier, of slaughtered poul-
20 try or poultry products, owned by another person unless
21 the carrier has knowledge, or is in possession of facts which
22 would cause a reasonable person to believe that such
23 slaughtered poultry or poultry products were not inspected
24 or marked in accordance with the provisions of this Act or

1 were not otherwise eligible for transportation under this Act.
2 When construing or enforcing the provisions of said sec-
3 tions, the act, omission, or failure of any person acting for
4 or employed by any individual, partnership, corporation, or
5 association within the scope of his employment or office shall
6 in every case be deemed the act, omission, or failure of such
7 individual, partnership, corporation, or association, as well as
8 of such person.

9 SEC. 14. Before any violation of this Act is reported by
10 the Secretary to any United States attorney for institution of
11 a criminal proceeding, the person against whom such pro-
12 ceeding is contemplated shall be given reasonable notice of
13 the alleged violation and opportunity to present his views
14 orally or in writing with regard to such contemplated pro-
15 ceeding. Nothing in this Act shall be construed as re-
16 quiring the Secretary to report for criminal prosecution or
17 for the institution of injunction proceedings of minor viola-
18 tions of this Act whenever he believes that the public
19 interest will be adequately served and compliance with
20 the Act obtained by a suitable written notice or warning.

21 REGULATIONS

22 SEC. 15. The Secretary shall promulgate such rules and
23 regulations as are necessary to carry out the provisions of
24 this Act.

EXEMPTIONS

SEC. 16. (a) The Secretary is authorized, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, to exempt from specific provisions of this Act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from the poultry raised on their own farms;

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores: *Provided*, That the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises in which such sales to consumers are made;

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

VIOLATIONS BY EXEMPTED PERSONS

SEC. 17. Any person who sells, delivers, transports or offers for sale or transportation in commerce or in a designated city or area any poultry products which are exempt

1 under section 16, knowing that such products are unwhole-
2 some or adulterated, shall be guilty of a misdemeanor and
3 shall on conviction thereof be subject to the penalties set
4 forth in section 13.

5 IMPORTS

6 SEC. 18. (a) No slaughtered poultry, or parts or prod-
7 ucts thereof, of any kind shall be imported into the United
8 States unless they are healthful, wholesome, fit for human
9 food and not adulterated and contain no dye, chemical,
10 preservative, or ingredient which renders them unhealthy,
11 unwholesome, adulterated, or unfit for human food and
12 unless they also comply with the rules and regulations
13 made by the Secretary of Agriculture to assure that im-
14 ported poultry or poultry products comply with the stand-
15 ards provided for in this Act. All imported slaughtered
16 poultry, or parts or products thereof, shall after entry into
17 the United States in compliance with such rules and regu-
18 lations be deemed and treated as domestic slaughtered
19 poultry, or parts or products thereof, within the meaning
20 and subject to the provisions of this Act and the Federal
21 Food, Drug, and Cosmetic Act, and acts amendatory of,
22 supplemental to, or in substitution for such acts.

23 (b) The Secretary of Agriculture is authorized to make
24 rules and regulations to carry out the purposes of this sec-
25 tion and in such rules and regulations the Secretary of

1 Agriculture may prescribe the terms and conditions for the
2 destruction of all slaughtered poultry, or parts or products
3 thereof, offered for entry and refused admission into the
4 United States unless such slaughtered poultry, or parts or
5 products thereof, be exported by the consignee within the
6 time fixed therefor in such rules and regulations.

7 (c) All charges for storage, cartage, and labor with
8 respect to any product which is refused admission pursuant
9 to this section shall be paid by the owner or consignee, and
10 in default of such payment shall constitute a lien against
11 any other products imported thereafter by or for such owner
12 or consignee.

13 GENERAL PROVISIONS

14 SEC. 19. (a) Poultry and poultry products shall be
15 exempt from the provisions of the Federal Food, Drug, and
16 Cosmetic Act, as amended, to the extent of the application
17 or the extension thereto of the provisions of this Act.

18 (b) In carrying out the provisions of this Act, the
19 Secretary may cooperate with other branches of govern-
20 ment and with State agencies and may conduct such exam-
21 inations, investigations, and inspections as he determines
22 practicable through any officer or employee of a State com-
23 missioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 20. The cost of inspection rendered under the requirements of this Act shall be borne by the United States except the cost of overtime. The Secretary of Agriculture is authorized in his discretion to pay inspectors employed in establishments subject to the provisions of this Act for all overtime work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work, such reimbursement to be available without fiscal-year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 21. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 22. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

1 SEC. 23. This Act shall take effect upon enactment:
2 *Provided*, That no person shall be subject to the provisions
3 of this Act prior to July 1, 1958, unless such person applies
4 for and receives inspection for poultry or poultry products
5 in accordance with the provisions of this Act and pursuant
6 to regulations promulgated by the Secretary hereunder, in
7 any establishment processing poultry or poultry products
8 in commerce or in a designated city or area. Any person
9 who voluntarily applies for and receives such inspection prior
10 to July 1, 1958, shall be subject, on and after the date he
11 commences to receive such inspection, to all of the provisions
12 and penalties provided for in this Act with respect to all
13 poultry or poultry products handled in the establishment for
14 which said application for inspection is made.

YERKES AND THE BUREAU

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YERKES

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. AIKEN, Mr. WILLIAMS, Mr. MAGNUSON, Mr. JOHNSTON of South Carolina, Mr. AILOTT, Mr. BENNETT, Mr. BRICKER, Mr. THYE, Mr. PAYNE, Mrs. SMITH of Maine, Mr. FREAR, Mr. BUTLER, Mr. PURTELL, Mr. IVES, Mr. FULBRIGHT, Mr. BYRD, Mr. ROBERTSON, Mr. BEALL, Mr. JENNER, Mr. JACKSON, Mr. SCHOEPPEL, Mr. WATKINS, Mr. MCCLELLAN, AND Mr. EASTLAND

JANUARY 7 (legislative day, JANUARY 3), 1957
Read twice and referred to the Committee on
Agriculture and Forestry

85th CONGRESS
H. R. 3052

IN THE HOUSE OF REPRESENTATIVES

January 14, 1918

BY MR. [Name], of [State],
a Committee on [Committee Name],
reporting.

A BILL

to provide for the compulsory licensing by the Copyright Office
of certain literary, scientific, and artistic works.

1. That the Copyright Office be and it is hereby authorized to
2. issue to the Copyright Office, for the purpose of the Copyright Office,

3. That the Copyright Office be and it is hereby authorized to
4. issue to the Copyright Office, for the purpose of the Copyright Office,

5. That the Copyright Office be and it is hereby authorized to

A BILL

FOR THE PURPOSE OF
AMENDING THE
ACTS RELATIVE TO THE
MARRIAGE OF
MINORS

85TH CONGRESS
1ST SESSION

H. R. 3052

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1957

Mr. HOEVEN introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

LEGISLATIVE FINDING

5
6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce.
10 Unwholesome poultry products in the channels of interstate
11 or foreign commerce are injurious to the public welfare,

1 adversely affect the marketing of wholesome poultry prod-
2 ucts, result in sundry losses to producers, and destroy
3 markets for wholesome poultry products. The marketing
4 of wholesome poultry products is affected with the public
5 interest and directly affects the welfare of the people. All
6 poultry and poultry products which have or are required to
7 have inspection under this Act are either in the current
8 of interstate or foreign commerce or directly affect such
9 commerce. That part that enters directly into the current
10 of interstate or foreign commerce cannot be effectively
11 inspected and regulated without also inspecting and regulat-
12 ing all poultry and poultry products processed or handled
13 in the same establishment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popu-
16 lation directly affects the movement of poultry and poultry
17 products in interstate commerce. To protect interstate
18 commerce in poultry and poultry products inspected for
19 wholesomeness, from being adversely burdened, obstructed,
20 or affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture is authorized after public hearing
22 to ascertain from time to time and to designate cities or
23 areas where poultry or poultry products are handled or
24 consumed in such volume as to affect the movement of
25 inspected poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

1

2 SEC. 3. It is hereby declared to be the policy of Con-
3 gress to provide for the inspection of poultry and poultry
4 products by the inspection service as herein provided to
5 prevent the movement in interstate or foreign commerce
6 or in a designated city or area of poultry products which
7 are unwholesome or otherwise unfit for human food.

8

DESIGNATION

9

10 SEC. 4. The Secretary is authorized to ascertain from
11 time to time the cities or areas where poultry or poultry
12 products are handled or consumed in such volume as to
13 affect, burden, or obstruct the movement of inspected poultry
14 products in commerce. Whenever, after public hearing, he
15 finds that the designation of such a city or area will tend
16 to effectuate the purposes of this Act, he shall by publication
17 in the Federal Register give public notice of such designation
18 and the effective date thereof which shall not be less than
19 six months after such notice. On and after the effective
20 date of such designation, all poultry and poultry products
21 processed, sold, received, or delivered in any such designated
22 city or area shall be subject to the provisions of this Act.

22

INSPECTION

23

24 SEC. 5. (a) For the purpose of preventing the entry
25 into or flow or movement in commerce or in a designated
city or area of any poultry product which is unwholesome,

1 the Secretary shall, whenever processing operations are being
2 conducted, make such examination, inspection (ante mortem,
3 post mortem, or both) and reinspection as he determines
4 necessary of poultry and of poultry products in any official
5 establishment processing such poultry or poultry products
6 for commerce or in or for marketing in a designated city or
7 area. All carcasses and parts thereof and poultry products
8 found to be unwholesome shall be condemned and shall,
9 if no appeal be taken from such determination of condemna-
10 tion, be destroyed for human food purposes under the super-
11 vision of an inspector. If an appeal be taken from such
12 determination, the product shall be appropriately marked
13 and segregated pending completion of an appeal inspection,
14 which appeal shall be at the cost of the appellant if the
15 Secretary determines that the appeal is frivolous. If the
16 determination of condemnation is sustained the product shall
17 be destroyed for human food purposes under the supervision
18 of an inspector.

19 (b) The Secretary shall refuse to render inspection
20 to any establishment whose premises, facilities, or equip-
21 ment, or the operation thereof, fail to meet the requirements
22 of section 6 of this Act.

23 SANITATION, FACILITIES AND PRACTICES

24 SEC. 6. Each official establishment, slaughtering poultry
25 or processing poultry products for commerce or in or for

1 marketing in a designated city or area shall have such
2 premises, facilities and equipment, and be operated in ac-
3 cordance with such sanitary practices, as are required and
4 approved by the Secretary for the purpose of preventing
5 the entry into or flow or movement in commerce or in a
6 designated city or area, of poultry products which are
7 unwholesome.

8 LABELING

9 SEC. 7. (a) Each shipping container of any poultry
10 product inspected under the authority of this Act and found
11 to be wholesome, shall at the time such product leaves the
12 official establishment bear, in distinctly legible form, the
13 official inspection mark, the name of the product, an accurate
14 statement of the quantity of the contents in terms of weight,
15 measure or numerical count, and the name and address or
16 an approved plant number of the official establishment in
17 which the contents were processed. Each individual con-
18 sumer package, if any, of any poultry product inspected
19 under the authority of this Act and found to be wholesome
20 shall bear, in addition to the official inspection mark, in
21 distinctly legible form, the name of the product, a statement
22 of ingredients if fabricated from two or more ingredients,
23 the net weight or other appropriate measure of the contents,
24 and the name and address or approved plant number of the
25 official establishment in which the contents were processed:

1 *Provided*, That the name and address of the distributor may
2 be used if the approved plant number is used to identify
3 the official establishment in which the poultry product was
4 prepared and packed. The Secretary may permit reason-
5 able variations and grant exemptions from any labeling
6 requirement in such manner as he may determine practicable.

7 (b) The use of any written, printed, or graphic matter
8 upon or accompanying any poultry product inspected or
9 required to be inspected pursuant to the provisions of this
10 Act or the container thereof which is false or misleading
11 is prohibited. If the Secretary has reason to believe that
12 any label in use or prepared for use is false or misleading,
13 he may direct that the use of the label be withheld unless
14 it is modified in such manner as the Secretary may pre-
15 scribe so that it will not be false or misleading. If the
16 person using or proposing to use the label does not accept
17 the determination of the Secretary, he may request a hear-
18 ing, but the use of the label shall, if the Secretary so directs,
19 be withheld pending hearing and final determination by the
20 Secretary. Any such determination by the Secretary, shall
21 be conclusive unless within thirty days after the receipt of
22 notice of such final determination the person adversely
23 affected thereby appeals to the United States court of
24 appeals for the circuit in which he has his principal place
25 of business or to the United States Court of Appeals for

1 the District of Columbia Circuit. The provisions of section
2 204 of the Packers and Stockyards Act of 1921, as amended,
3 shall be applicable to appeals taken under this section.

4 PROHIBITED ACTS

5 SEC. 8. The following acts or the causing thereof are
6 hereby prohibited:

7 (a) The processing, sale, or offering for sale, in com-
8 merce, or the introduction, delivery for introduction, trans-
9 portation, or receiving for transportation, in commerce, of
10 any poultry product, unless such poultry product has been
11 inspected for wholesomeness and unless the shipping con-
12 tainer and the individual consumer package, if any, are
13 marked in accordance with the provisions of this Act.

14 (b) The processing, delivery, sale, or offering for sale
15 or transport of any poultry product in a designated city or
16 area, unless such poultry product has been inspected for
17 wholesomeness in accordance with the provisions of this Act.

18 (c) The sale or other disposition for human food of any
19 poultry or poultry product which has been inspected and de-
20 clared to be unwholesome under this Act.

21 (d) Knowingly and falsely making or issuing, altering,
22 forging, simulating, or counterfeiting any official inspection
23 certificate, mark, or device for making such mark, or know-
24 ingly causing, procuring, aiding, assisting in, or being a party
25 to, such false making or issuing, altering, forging, simulat-

1 ing or counterfeiting, or knowingly possessing, without
2 promptly notifying the Secretary of Agriculture or his repre-
3 sentative, uttering, or using as true, or causing to be uttered
4 or used as true, any such falsely made or issued, altered,
5 forged, simulated, or counterfeited official inspection certifi-
6 cate, mark, or device for making such mark, or knowingly
7 representing that any poultry product has been officially in-
8 spected under the authority of this Act when such poultry
9 product has in fact not been so inspected.

10 (e) Knowingly using in commerce, or in a designated
11 city or area, a false or misleading label on any poultry
12 product.

13 (f) The use of any container bearing an official inspec-
14 tion mark except for the poultry product in the original form
15 in which it was inspected and covered by said mark unless
16 the mark is removed, obliterated, or otherwise destroyed.

17 (g) The refusal to permit access by any duly authorized
18 representative of the Secretary, at all reasonable times, to
19 the premises of an establishment engaged in processing
20 poultry or poultry products for commerce, or in or for
21 marketing in a designated city or area, upon presentation of
22 appropriate credentials.

23 (h) The refusal to permit access to and the copying
24 of any record as authorized by section 10 of this Act.

25 (i) The using by any person to his own advantage, or

1 revealing, other than to the authorized representatives of
2 the Government in their official capacity, or to the courts,
3 when relevant in any judicial proceeding under this Act,
4 any information acquired under the authority of this Act,
5 concerning any matter which as a trade secret is entitled to
6 protection.

7 (j) Delivering, receiving, transporting, selling, or offer-
8 ing for sale or transport any poultry slaughtered for human
9 food or any part thereof, separately or in combination with
10 other ingredients (other than poultry products as defined in
11 this Act), in commerce or in a designated city or area,
12 except that such poultry may be transported between official
13 establishments and to foreign countries pursuant to rules
14 and regulations prescribed by the Secretary.

15 SEC. 9. No establishment processing poultry or poultry
16 products for commerce or in or for marketing in a designated
17 city or area shall process any poultry or poultry product
18 except in compliance with the requirements of this Act.

19 RECORDS OF INTERSTATE SHIPMENT

20 SEC. 10. For the purpose of enforcing the provisions of
21 this Act, carriers engaged in commerce, and persons shipping
22 or receiving poultry slaughtered for human consumption or
23 poultry products in commerce or in a designated city or area,
24 or holding such products so received, shall, upon the request

1 of a duly authorized representative of the Secretary, permit
2 him, at reasonable times, to have access to and to copy all
3 records showing the movement in commerce or in a desig-
4 nated city or area of any poultry slaughtered for human
5 consumption or poultry product, or the holding thereof dur-
6 ing or after such movement, and the quantity, shipper, and
7 consignee thereof: *Provided*, That evidence obtained under
8 this section shall not be used in a criminal prosecution of the
9 person from whom it is obtained: *And provided further*, That
10 carriers shall not be subject to the other provisions of this
11 Act by reason of their receipt, carriage, holding, or delivery
12 of poultry products in the usual course of business as carriers.

13 INJUNCTION PROCEEDINGS

14 SEC. 11. The district courts of the United States are
15 vested with jurisdiction specifically to enforce, and to prevent
16 and restrain violations of this Act. The remedies provided
17 for in this section shall be in addition to, and not exclusive
18 of, any of the remedies or penalties provided for elsewhere
19 in this Act or now or hereafter existing at law or in equity.

20 PENALTIES

21 SEC. 12. Any person who wilfully violates the provi-
22 sions of section 8, 9, 10, or 17, shall be guilty of a misde-
23 meanor and shall on conviction thereof be subject to im-

1 prisonment for not more than six months, or a fine of not
2 more than \$1,000, or both such imprisonment and fine; but
3 if such violation is committed after a conviction of such
4 person under this section has become final such person shall
5 be subject to imprisonment for not more than one year, or
6 a fine of not more than \$10,000, or both such imprisonment
7 and fine.

8 SEC. 13. Before any violation of this Act is reported
9 by the Secretary to any United States attorney for institu-
10 tion of a criminal proceeding, the person against whom such
11 proceeding is contemplated shall be given reasonable notice
12 of the alleged violation and opportunity to present his
13 views orally and in writing with regard to such contem-
14 plated proceeding. Nothing in this Act shall be construed
15 as requiring the Secretary to report for criminal prosecution
16 or for the institution of injunction proceedings violations of
17 this Act whenever he believes that the public interest will
18 be adequately served and compliance with the Act obtained
19 by a suitable written notice or warning.

20 REGULATIONS

21 SEC. 14. The Secretary shall promulgate such rules and
22 regulations as are necessary to carry out the provisions of
23 this Act, and all inspections and examinations made under

1 this Act shall be made in such manner as prescribed in the
2 rules and regulations promulgated by the Secretary not
3 inconsistent with the provisions of this Act.

4 EXEMPTIONS

5 SEC. 15. (a) The Secretary is authorized, under such
6 regulations as he may prescribe, to issue certificates of
7 exemption to any poultry producer for poultry of his own
8 raising on his own farm which he sells directly to household
9 consumers only and who does not engage in buying or
10 selling poultry products other than those produced on his
11 own farm.

12 (b) For two years following the effective date of this
13 Act certificates of exemption may also be issued in other
14 cases where the Secretary determines that it would be
15 impracticable or he is unable to provide inspection and that
16 the issuance of a certificate of exemption would aid in the
17 effective administration of this Act. The Secretary may
18 require that any person as a condition to the receipt of an
19 exemption certificate shall comply with the sanitation stand-
20 ards, practices, and procedures promulgated by the Secretary
21 in rules and regulations.

22 (c) The Secretary may terminate exemption certificates
23 at any time.

VIOLATIONS BY EXEMPTED PERSONS

1

2 SEC. 16. Any person who sells, delivers, transports or
3 offers for sale or transportation in commerce or in a desig-
4 nated city or area any poultry products under an exemption
5 certificate issued under section 15, knowing that such
6 products are unwholesome and are intended for human
7 consumption, shall be guilty of a misdemeanor and shall
8 on conviction thereof be subject to the penalties set forth
9 in section 12.

10

IMPORTS

11 SEC. 17. The Secretary of the Treasury shall notify the
12 Secretary of Agriculture of the arrival of any poultry product
13 offered for importation. If it appears to the Secretary of
14 Agriculture that such product has been processed and packed
15 under a system of inspection and under such sanitary condi-
16 tions as are comparable to those required by this Act, and
17 if it appears that such product is marked and labeled in a
18 manner consistent with the requirements of this Act, and if
19 it appears, from such examination or inspection as the Secre-
20 tary deems necessary, that such product is otherwise fit for
21 human consumption, such product may be admitted entry,
22 provided such product meets such other requirements of
23 law as may be applicable; otherwise such product shall be

1 refused admission and the Secretary of the Treasury shall
2 refuse delivery to the consignee and shall cause destruction
3 of any such product which shall not have been exported by
4 the consignee or the owner thereof within thirty days from
5 the date of notice of such refusal under such regulations as
6 the Secretary of the Treasury may prescribe: *Provided*, That
7 all charges for storage, cartage, and labor with respect to
8 any such product which is refused admission shall be paid
9 by the owner or consignee, and in default of such payment
10 shall constitute a lien against any other products imported
11 thereafter by or for such owner or consignee. The Secretary
12 of the Treasury and the Secretary of Agriculture are author-
13 ized to issue rules and regulations to carry out the provisions
14 of this section of the Act.

15 GENERAL PROVISIONS

16 SEC. 18. (a) For the purpose of preventing and elim-
17 inating burdens on commerce in poultry and poultry prod-
18 ucts, the jurisdiction of the Secretary in the fields within
19 the scope of this Act shall be exclusive and poultry and
20 poultry products shall also be exempt from the provisions
21 of the Act of June 25, 1928 (52 Stat. 1040, chapter 675),
22 as amended, to the extent that they are covered by the
23 provisions of this Act.

1 (b) In carrying out the provisions of this Act, the
2 Secretary may cooperate with other branches of Govern-
3 ment and with State agencies and may conduct such exam-
4 inations, investigations, and inspections as he determines
5 practicable through any officer or employee of a State
6 commissioned by the Secretary for such purposes.

7 APPROPRIATIONS

8 SEC. 19. There is hereby authorized to be appropriated
9 such sums as are necessary to carry out the provisions of
10 this Act.

11 SEPARABILITY OF PROVISIONS

12 SEC. 20. If any provision of this Act or the application
13 thereof to any person or circumstances is held invalid, the
14 validity of the remainder of the Act and of the application
15 of such provision to other persons and circumstances shall
16 not be affected thereby.

17 DEFINITIONS

18 SEC. 21. For purposes of this Act—

19 (a) The term “commerce” means commerce between
20 any State, Territory, or possession, or the District of Co-
21 lumbia, and any place outside thereof; or between points
22 within the same State or the District of Columbia, but

1 through any place outside thereof; or within the District
2 of Columbia.

3 (b) The term "Secretary" means the Secretary of
4 Agriculture.

5 (c) The term "person" means any individual, partner-
6 ship, corporation, association, or any other business unit.

7 (d) The term "poultry" means any live or slaughtered
8 domesticated or commercially produced game bird.

9 (e) The term "poultry product" means any poultry
10 which has been slaughtered for human food from which
11 the blood, feathers, feet, head, and viscera have been removed
12 in accordance with rules and regulations promulgated by
13 the Secretary, any edible part of poultry, or, unless exempted
14 by the Secretary, any human food product consisting of any
15 edible part of poultry separately or in combination with other
16 ingredients.

17 (f) The term "wholesome" means sound, healthful,
18 wholesome and otherwise fit for human food.

19 (g) The term "unwholesome" means:

20 (1) Unsound, injurious to health or otherwise rendered
21 unfit for human food.

22 (2) Consisting in whole or in part of any filthy, putrid,
23 or decomposed substance.

24 (3) Processed, prepared, packed, or held under un-

1 sanitary conditions whereby a poultry product may have
2 become contaminated with filth or whereby a poultry
3 product may have been rendered injurious to health.

4 (4) Produced in whole or in part from poultry which
5 has died otherwise than by slaughter.

6 (5) Packaged in a container composed of any poison-
7 ous or deleterious substance which may render the contents
8 injurious to health.

9 (h) The term "inspector" means any person authorized
10 by the Secretary of Agriculture to inspect poultry and
11 poultry products under the authority of this Act.

12 (i) The term "official inspection mark" means the
13 symbol, formulated pursuant to rules and regulations pre-
14 scribed by the Secretary, stating that the product was
15 inspected.

16 (j) The term "inspection service" means the official
17 Government service within the Department of Agriculture
18 having the responsibility for the inspection for wholesome-
19 ness of poultry and poultry products, and for carrying out
20 the provisions of this Act.

21 (k) The terms "container" or "package" include any
22 box, can, tin, cloth, plastic or any other receptacle, wrapper,
23 or cover.

24 (l) The term "official establishment" means any estab-

1 lishment as determined by the Secretary at which inspection
2 of the slaughter of poultry, or the processing of poultry
3 products, is maintained under the authority of this Act.

4 (m) The term "label" means any written, printed, or
5 graphic material upon the shipping container or upon the
6 individual consumer package, if any, of a poultry product, or
7 accompanying such product.

8 EFFECTIVE DATE

9 SEC. 22. This Act shall take effect on July 1, 1958,
10 except that pending the effective date of this Act, the Secre-
11 tary is authorized to promulgate rules and regulations and to
12 furnish inspection for poultry and poultry products in accord-
13 ance with the provisions of this Act to any establishment
14 processing poultry and poultry products in commerce or in
15 a designated city or area which voluntarily submits to the
16 provisions of this Act by making application for and receiv-
17 ing inspection provided for herein. Any person who applies
18 for and is receiving such inspection prior to July 1, 1958,
19 shall be subject to all the provisions and penalties herein
20 provided for.

A BILL

To provide for the compulsory inspection by the
United States Department of Agriculture
of poultry and poultry products.

By Mr. HOEVEN

JANUARY 16, 1957

Referred to the Committee on Agriculture

S. 645

IN THE SENATE OF THE UNITED STATES

JANUARY 17 (legislative day, JANUARY 3), 1957

Mr. TALMADGE (for himself, Mr. RUSSELL, Mr. EASTLAND, Mr. YOUNG, Mr. SPARKMAN, and Mr. STENNIS) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

LEGISLATIVE FINDING

5
6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome and adulterated poultry products in the channels

1 of interstate or foreign commerce are injurious to the public
2 welfare, adversely affect the marketing of wholesome poultry
3 products, result in sundry losses to producers, and destroy
4 markets for wholesome poultry products. The marketing of
5 wholesome poultry products is affected with the public inter-
6 est and directly affects the welfare of the people. All poultry
7 and poultry products which have or are required to have
8 inspection under this Act are either in the current of inter-
9 state or foreign commerce or directly affect such commerce.
10 That part that enters directly into the current of interstate
11 or foreign commerce cannot be effectively inspected and
12 regulated without also inspecting and regulating all poultry
13 and poultry products processed or handled in the same
14 establishment.

15 The great volume of poultry products required as an
16 article of food for the inhabitants of large centers of popula-
17 tion may directly affect the movement of poultry and poul-
18 try products in interstate commerce. To protect interstate
19 commerce in poultry and poultry products inspected for
20 wholesomeness, from being adversely burdened, obstructed,
21 or affected by uninspected poultry or poultry products, the
22 Secretary of Agriculture upon request of the appropriate
23 authority should hold public hearings to ascertain from time
24 to time and to designate cities or areas where poultry or
25 poultry products are handled or consumed in such volume as

1 to affect the movement of inspected poultry or poultry prod-
2 ucts in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to pre-
7 vent the movement in interstate or foreign commerce or in a
8 designated major consuming area of poultry, products which
9 are unwholesome, adulterated, or otherwise unfit for human
10 food.

11 DEFINITIONS

12 SEC. 4. For purposes of this Act except where the con-
13 text indicates otherwise—

14 (a) The term “commerce” means commerce between
15 any point in any State, Territory, or possession, or the Dis-
16 trict of Columbia, and any place outside thereof; or between
17 points within the same State or the District of Columbia, but
18 through any place outside thereof; or within the District of
19 Columbia.

20 (b) The term “Secretary” means the Secretary of Ag-
21 riculture.

22 (c) The term “person” means any individual, partner-
23 ship, corporation, association, or any other business unit.

24 (d) The term “poultry” means any live or slaughtered
25 domesticated bird.

1 (e) The term "poultry product" means any poultry
2 which has been slaughtered for human food from which the
3 blood, feathers, feet, head and viscera have been removed in
4 accordance with rules and regulations promulgated by the
5 Secretary, any edible part of poultry, or unless exempted
6 by the Secretary, any human food product consisting of any
7 edible part of poultry separately or in combination with other
8 ingredients.

9 (f) The term "wholesome" means sound, healthful,
10 clean and otherwise fit for human food.

11 (g) The term "unwholesome" means:

12 (1) Unsound, injurious to health or otherwise rendered
13 unfit for human food.

14 (2) Consisting in whole or in part of an filthy, putrid,
15 or decomposed substance.

16 (3) Processed, prepared, packed, or held under un-
17 sanitary conditions whereby a poultry product may have
18 become contaminated with filth or whereby a poultry product
19 may have been rendered injurious to health.

20 (4) Produced in whole or in part from diseased poultry
21 or poultry which has died otherwise than by slaughter.

22 (5) Packaged in a container composed of any poisonous
23 or deleterious substance which may render the contents in-
24 jurious to health.

25 (h) The term "adulterated" shall apply to poultry

1 and poultry products under one or more of the following
2 circumstances:

3 (1) If they bear or contain any poisonous or deleterious
4 substance which may render them injurious to health; but,
5 in case the substance is not an added substance, such poultry
6 and poultry products shall not be considered adulterated
7 under this clause if the quantity of such substance in such
8 poultry and poultry products does not ordinarily render them
9 injurious to health.

10 (2) If they bear or contain any added poisonous or
11 added deleterious substance, unless such substance is per-
12 mitted in their production or unavoidable under good manu-
13 facturing practices as may be determined by rules and
14 regulations hereunder prescribed by the Secretary or other
15 provisions of Federal law limiting or tolerating the quantity
16 of such added substance on or in such poultry and poultry
17 products, but any quantity of such added substance exceeding
18 the limits so fixed shall also be deemed to constitute
19 adulteration.

20 (3) If any substance has been substituted, wholly or
21 in part, therefor.

22 (4) If damage or inferiority has been concealed in any
23 manner.

24 (5) If any valuable constituent has been in whole or in
25 part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(i) The term "inspector" means any person authorized by the Secretary of Agriculture to inspect poultry and poultry products under the authority of this Act.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture having the responsibility for the inspection for wholesomeness of poultry and poultry products, and for carrying out the provisions of this Act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

(n) The term "label" means any written, printed, or

1 graphic material upon the shipping container or upon the
2 individual consumer package, if any, of the poultry product,
3 or accompanying such product.

4 DESIGNATION

5 SEC. 5. The Secretary is authorized, upon application
6 of any appropriate State or local official or of any appro-
7 priate poultry industry group to ascertain through public
8 hearing whether the volume of poultry or poultry products
9 marketed in a major consuming area is such as to affect,
10 burden, or obstruct the movement of inspected poultry or
11 poultry products in commerce. If the Secretary finds after
12 such public hearing that the inspection of all poultry mar-
13 keted in such major consuming area will effectuate the pur-
14 poses of this Act, he shall by order designate and define
15 such major consuming area. Such designation shall not
16 become effective until six months after notice thereof is
17 published in the Federal Register. On and after the effec-
18 tive date of such designation, all poultry and poultry prod-
19 ucts processed, sold, received, or delivered in any such
20 designated major consuming area shall be subject to the
21 provisions of this Act, except that the Secretary may grant
22 such exemptions therefrom as he determines practicable.

23 INSPECTION, REINSPECTION, AND QUARANTINE

24 SEC. 6. (a) For the purpose of preventing the entry
25 into or flow or movement in commerce or in a designated

1 major consuming area of any poultry product which is un-
2 wholesome or adulterated, the Secretary shall, whenever
3 processing operations are being conducted, make such exami-
4 nation, inspection (ante mortem, post mortem, or both) as
5 he determines necessary of poultry and poultry products in
6 any official establishment processing such poultry or poultry
7 products for commerce or in, or for marketing in a designated
8 major consuming area. All carcasses and parts thereof and
9 poultry products found to be unwholesome or adulterated
10 shall be condemned and shall, if no appeal be taken from
11 such determination of condemnation, be destroyed for human
12 food purposes under the supervision of an inspector. If an
13 appeal be taken from such determination, the product shall
14 be appropriately marked and segregated pending completion
15 of an appeal inspection, which appeal shall be at the cost
16 of the appellant if the Secretary determines that the appeal
17 is frivolous. If the determination of condemnation is sus-
18 tained, the product shall be destroyed for human food pur-
19 poses under the supervision of an inspector.

20 (b) Under rules and regulations prescribed by the Sec-
21 retary, there shall be reinspection of carcasses and parts
22 thereof at official establishments as often as may be deemed
23 necessary to insure fitness of poultry products for human
24 consumption. The condemnation and destruction procedures
25 prescribed hereunder shall be applicable if necessary, upon

1 such reinspection, notwithstanding that such poultry prod-
2 ucts had been passed and certified in the previous inspection.

3 (c) Under rules and regulations prescribed by the Sec-
4 retary, inspectors shall have authority to direct such quaran-
5 tine or segregation of uninspected, suspect, or condemned
6 live poultry or carcasses or parts thereof at official establish-
7 ments as will prevent contamination of poultry and poultry
8 products which may be certified for human consumption.

9 SANITATION, FACILITIES, AND PRACTICES

10 SEC. 7. (a) Each official establishment slaughtering
11 poultry or processing poultry products for commerce or in
12 or for marketing in a designated major consuming area shall
13 have such premises, facilities and equipment, and be operated
14 in accordance with such sanitary practices, as are required
15 by regulations promulgated by the Secretary for the purpose
16 of preventing the entry into or flow or movement in com-
17 merce or in a designated major consuming area, of poultry
18 products which are unwholesome, adulterated, or otherwise
19 unfit for human food.

20 (b) The Secretary shall refuse to render inspection to
21 any establishment whose premises, facilities, or equipment,
22 or the operation thereof, fail to meet the requirements of this
23 section.

LABELING

SEC. 8. (a) Each shipping container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark, the name of the product, an accurate statement of the quantity of the contents in terms of weight, measure or numerical count, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. Each individual consumer package, if any, of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed. The Secretary may permit reasonable varia-

1 tions and grant exemptions from the foregoing labeling re-
2 quirements in any manner not in conflict with the Federal
3 Food, Drug, and Cosmetic Act.

4 (b) The use of any written, printed or graphic matter
5 upon or accompanying any poultry product inspected or
6 required to be inspected pursuant to the provisions of this Act
7 or the container thereof which is false or misleading in any
8 particular is prohibited. No poultry products inspected or
9 required to be inspected pursuant to the provisions of this
10 Act shall be sold or offered for sale by any person, firm, or
11 corporation under any false or deceptive name; but estab-
12 lished trade name or names which are usual to such products
13 and which are not false and deceptive and which shall be
14 approved by the Secretary are permitted. If the Secretary
15 has reason to believe that any label in use or prepared for
16 use is false or misleading in any particular, he may direct
17 that the use of the label be withheld unless it is modified in
18 such manner as the Secretary may prescribe so that it will
19 not be false or misleading. If the person using or proposing
20 to use the label does not accept the determination of the
21 Secretary, he may request a hearing, but the use of the
22 label shall, if the Secretary so directs, be withheld pending
23 hearing and final determination by the Secretary. Any such
24 determination by the Secretary shall be conclusive unless
25 within thirty days after the receipt of notice of such final

1 determination the person adversely affected thereby appeals
2 to the United States court of appeals for the circuit in which
3 he has his principal place of business or to the United States
4 Court of Appeals for the District of Columbia Circuit. The
5 provisions of section 204 of the Packers and Stockyards Act
6 of 1921, as amended, shall be applicable to appeals taken
7 under this section.

8 PROHIBITED ACTS

9 SEC. 9. The following acts or the causing thereof are
10 hereby prohibited:

11 (a) The processing, sale or offering for sale, transporta-
12 tion, or delivery or receiving for transportation, in commerce
13 or in a designated major consuming area, of any poultry
14 product, unless such poultry product has been inspected for
15 wholesomeness and unless the shipping container and the
16 individual consumer package, if any, are marked in accord-
17 ance with the provisions of this Act.

18 (b) The sale or other disposition for human food of
19 any poultry or poultry products, which has been inspected
20 and declared to be unwholesome or adulterated under this
21 Act.

22 (c) Knowingly and falsely making or issuing, altering,
23 forging, simulating, or counterfeiting any official inspection
24 certificate, memorandum, mark, or other identification, or
25 device for making such mark or identification, used in con-

1 nection with the inspection of poultry or poultry products
2 under this Act, or knowingly causing, procuring, aiding,
3 assisting in, or being a party to, such false making, issuing,
4 altering, forging, simulating, or counterfeiting, or knowingly
5 possessing, without promptly notifying the Secretary of Agri-
6 culture or his representative, uttering, publishing, or using
7 as true, or causing to be uttered, published, or used as true,
8 any such falsely made or issued, altered, forged, simulated, or
9 counterfeited official inspection certificate, memorandum,
10 mark or other identification, or device for making such mark
11 or identification, or knowingly representing that any poultry
12 or poultry product has been officially inspected under the
13 authority of this Act when such poultry or poultry product
14 has in fact not been so inspected.

15 (d) Knowingly using in commerce, or in a designated
16 major consuming area, a false or misleading label on any
17 poultry product.

18 (e) The use of any container bearing an official in-
19 spection mark except for the poultry product in the original
20 form in which it was inspected and covered by said mark
21 unless the mark is removed, obliterated, or otherwise de-
22 stroyed.

23 (f) The refusal to permit access by any duly authorized
24 representative of the Secretary, at all reasonable times, to

1 the premises of an establishment engaged in processing
2 poultry or poultry products for commerce, or in or for
3 marketing in a designated major consuming area, upon
4 presentation of appropriate credentials.

5 (g) The refusal to permit access to and the copying
6 of any record as authorized by section 11 of this Act.

7 (h) The using by any person to his own advantage, or
8 revealing, other than to the authorized representatives of
9 the Government in their official capacity, or to the courts
10 when relevant in any judicial proceeding under this Act,
11 any information acquired under the authority of this Act,
12 concerning any matter which as a trade secret is entitled
13 to protection.

14 (i) Delivering, receiving, transporting, selling, or offer-
15 ing for sale or transport any poultry slaughtered for human
16 food or any part thereof, separately or in combination with
17 other ingredients (other than poultry products as defined in
18 this Act), in commerce or in a designated major consuming
19 area, except that such poultry may be permitted to be
20 transported between official establishments and the foreign
21 countries pursuant to rules and regulations prescribed by the
22 Secretary.

23 SEC. 10. No establishment processing poultry or poultry
24 products for commerce or in or for marketing in a designated
25 major consuming area shall process any poultry or poultry

1 product except in compliance with the requirements of this
2 Act.

3 RECORDS OF INTERSTATE SHIPMENT

4 SEC. 11. For the purpose of enforcing the provisions of
5 this Act, persons engaged in the business of processing trans-
6 porting, shipping, or receiving poultry slaughtered for
7 human consumption or poultry products in commerce or in
8 a designated major consuming area, or holding such products
9 so received shall not be required to maintain records for a
10 period of more than two years, showing, to the extent that
11 they are concerned therewith, the receipt, delivery, sale,
12 movement, or disposition of poultry and poultry products
13 and shall, upon the request of a duly authorized representa-
14 tive of the Secretary, permit him at reasonable times to have
15 access to and to copy all such records.

16 INJUNCTION PROCEEDINGS

17 SEC. 12. The district courts of the United States are
18 vested with jurisdiction specifically to enforce, and to pre-
19 vent and restrain violations of this Act. The remedies
20 provided for in this section shall be in addition to, and not
21 exclusive of, any of the remedies or penalties provided for
22 elsewhere in this Act or now or hereafter existing at law or
23 in equity.

24 PENALTIES

25 SEC. 13. (a) Any person who knowingly violates the

1 provisions of section 9, 10, 11, or 18, shall be guilty of a
2 misdemeanor and shall on conviction thereof be subject to
3 imprisonment for not more than one year, or a fine of not
4 more than \$5,000, or both such imprisonment and fine; but
5 if such violation is committed after a conviction of such
6 person under this section has become final such person shall
7 be subject to imprisonment for not more than two years, or
8 a fine of not more than \$10,000, or both such imprisonment
9 and fine.

10 (b) No carrier shall be subject to the penalties of this
11 Act, other than the penalties for violation of section 11, by
12 reason of his receipt, carriage, holding, or delivery, in the
13 usual course of business as a carrier, of slaughtered poultry
14 or poultry products, owned by another person unless the car-
15 rier has knowledge, or is in possession of facts which would
16 cause a reasonable person to believe that such slaughtered
17 poultry or poultry products were not inspected or marked
18 in accordance with the provisions of this Act or were not
19 otherwise eligible for transportation under this Act.

20 (c) In construing or enforcing the provisions of sec-
21 tions 9, 10, 11, and 18, the act, omission, or failure of any
22 person acting for or employed by any individual, partnership,
23 corporation, or association within the scope of his employ-
24 ment or office shall in every case be deemed the act, omis-

1 sion, or failure of such individual, partnership, corporation,
2 or association, as well as of such person.

3 SEC. 14. Before any violation of this Act is reported by
4 the Secretary to any United States attorney for institution
5 of a criminal proceeding, the person against whom such pro-
6 ceeding is contemplated shall be given reasonable notice of
7 the alleged violation and opportunity to present his views
8 orally or in writing with regard to such contemplated pro-
9 ceeding. Nothing in this Act shall be construed as requiring
10 the Secretary to report for criminal prosecution or for the
11 institution of injunction proceedings of minor violations of
12 this Act whenever he believes that the public interest will be
13 adequately served and compliance with the Act obtained by
14 a suitable written notice or warning.

15 REGULATIONS

16 SEC. 15. The Secretary shall promulgate such rules and
17 regulations as are necessary to carry out the provisions of
18 this Act.

19 EXEMPTIONS

20 SEC. 16. (a) The Secretary is authorized, by regula-
21 tion and under such conditions as to sanitary standards,
22 practices, and procedures as he may prescribe, to exempt
23 from specific provisions of this Act—

24 (1) poultry producers with respect to poultry of

1 their own raising on their own farms which they sell
 2 directly to household consumers only, if such poultry
 3 producers do not engage in the buying or selling of
 4 poultry products other than those produced from poultry
 5 raised on their own farms;

6 (2) retail dealers with respect to poultry products
 7 sold directly to consumers in individual retail stores,
 8 if the only processing operation performed by such retail
 9 dealers is the cutting up of poultry products on the
 10 premises where such sales to consumers are made.

11 (b) The Secretary may by order suspend or terminate
 12 any exemption under this section with respect to any person
 13 whenever he finds that such action will aid in effectuating
 14 the purposes of this Act.

15 VIOLATIONS BY EXEMPTED PERSONS

16 SEC. 17. Any person who sells, delivers, transports or
 17 offers for sale or transportation in commerce or in a desig-
 18 nated major consuming area any poultry products which are
 19 exempt under section 16, knowing that such products are
 20 unwholesome or adulterated, shall be guilty of a misde-
 21 meanor and shall on conviction thereof be subject to the
 22 penalties set forth in section 13.

23 IMPORTS

24 SEC. 18. (a) No slaughtered poultry, or parts or prod-
 25 ucts thereof, of any kind shall be imported into the United

1 States unless they are healthful, wholesome, fit for human
2 food and not adulterated and contain no dye, chemical,
3 preservative, or ingredient which renders them unhealthy,
4 unwholesome, adulterated, or unfit for human food and
5 unless they also comply with the rules and regulations made
6 by the Secretary of Agriculture to assure that imported
7 poultry or poultry products comply with the standards pro-
8 vided for in this Act. All imported slaughtered poultry,
9 or parts or products thereof, shall after entry into the United
10 States in compliance with such rules and regulations be
11 deemed and treated as domestic slaughtered poultry, or parts
12 or products thereof, within the meaning and subject to the
13 provisions of this Act and the Federal Food, Drug, and
14 Cosmetic Act, and Acts amendatory of, supplemental to, or
15 in substitution for such Acts.

16 (b) The Secretary of Agriculture is authorized to make
17 rules and regulations to carry out the purposes of this section
18 and in such rules and regulations the Secretary of Agriculture
19 may prescribe the terms and conditions for the destruction
20 of all slaughtered poultry, or parts or products thereof,
21 offered for entry and refused admission into the United States
22 unless such slaughtered poultry, or parts or products thereof,
23 be exported by the consignee within the time fixed therefor
24 in such rules and regulations.

25 (c) All charges for storage, cartage, and labor with re-

1 spect to any product which is refused admission pursuant to
2 this section shall be paid by the owner or consignee, and in
3 default of such payment shall constitute a lien against any
4 other products imported thereafter by or for such owner or
5 consignee.

6 GENERAL PROVISIONS

7 SEC. 19. (a) Poultry and poultry products shall be
8 exempt from the provisions of the Federal Food, Drug, and
9 Cosmetic Act, as amended, to the extent of the application
10 or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of government and with State agencies and may conduct such examinations, investigations and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

17 COST OF INSPECTION

18 SEC. 20. The cost of inspection rendered under the re-
19 quirements of this Act shall be borne by the United States,
20 except the cost of overtime work performed at the processor's
21 request. The Secretary is authorized in his discretion to pay
22 inspectors employed in establishments subject to the pro-
23 visions of this Act for all overtime work performed at such
24 establishments at such rates as he may determine, and to
25 accept from such establishments wherein such overtime work

1 is performed reimbursement for any sums paid out by him
2 for such overtime work, such reimbursement to be available
3 without fiscal-year limitation to carry out the purposes of this
4 section.

5 APPROPRIATIONS

6 SEC. 21. There is hereby authorized to be appropriated
7 such sums as are necessary to carry out the provisions of this
8 Act.

9 SEPARABILITY OF PROVISIONS

10 SEC. 22. If any provision of this Act or the application
11 thereof to any person or circumstances is held invalid, the
12 validity of the remainder of the Act and of the application
13 of such provision to other persons and circumstances shall
14 not be affected thereby.

15 EFFECTIVE DATE

16 SEC. 23. This Act shall take effect January 1, 1958,
17 except that no person shall be subject to the provisions of
18 this Act prior to July 1, 1958, unless such person applies
19 for and receives inspection for poultry or poultry products
20 in accordance with the provisions of this Act and pursuant
21 to regulations promulgated by the Secretary hereunder, in
22 any establishment processing poultry or poultry products in
23 commerce or in a designated major consuming area. Any
24 person who voluntarily applies for and receives such inspec-
25 tion prior to July 1, 1958, shall be subject, on and after the

1 date he commences to receive such inspection, to all of the
2 provisions and penalties provided for in this Act with respect
3 to all poultry or poultry products handled in the establish-
4 ment for which said application for inspection is made.

H. R. 4357

FEBRUARY 5, 1957

A BILL

To provide for the compulsory inspection of poultry and poultry products so as to prohibit the movement in interstate or foreign commerce of unsound, unhealthful, diseased, unwholesome, or adulterated poultry or poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the Poultry Inspection Act.

4 DEFINITIONS

5 SEC. 2. For the purposes of this Act—

(a) The term “commerce” means commerce within the District of Columbia, or any Territory or possession of the United States; all commerce between any point in a State, Territory, possession, or the District of Columbia and any point outside thereof; all commerce between points

1 within the same State through any place outside such State;
2 and all other commerce over which the United States has
3 jurisdiction.

4 (b) The term "poultry" means any live or slaughtered
5 domesticated or commercially produced game bird.

6 (c) The term "poultry product" means any poultry
7 which has been slaughtered for human food from which the
8 blood, feathers, feet, head, and viscera have been removed in
9 accordance with rules and regulations promulgated by the
10 Secretary, any edible part of poultry, or, unless exempted by
11 the Secretary, any human food product consisting of any
12 edible part of poultry separately or in combination with
13 other ingredients.

14 (d) The term "adulterated" shall apply to poultry and
15 poultry products under one or more of the following cir-
16 cumstances:

17 (1) If they bear or contain any poisonous or deleterious
18 substance which may render them injurious to health; but,
19 in case the substance is not an added substance, such poul-
20 try and poultry products shall not be considered adulterated
21 under this clause if the quantity of such substance in such
22 poultry and poultry products does not ordinarily render them
23 injurious to health.

1 (2) If they bear or contain any added poisonous or
2 added deleterious substance, unless such substance is permit-
3 ted in their production or unavoidable under good manufac-
4 turing practices as may be determined by rules and regula-
5 tions hereunder prescribed by the Secretary or other provi-
6 sions of Federal law limiting or tolerating the quantity of
7 such added substance on or in such poultry and poultry
8 products: *Provided*, That any quantity of such added sub-
9 stance exceeding the limits so fixed shall also be deemed to
10 constitute adulteration.

11 (3) If they consist in whole or in part of any filthy,
12 putrid, or decomposed substance, or if they are otherwise
13 unfit for food.

14 (4) If they have been processed, prepared, packed, or
15 held under unsanitary conditions, whereby they may have
16 become contaminated with filth, or whereby they may have
17 been rendered injurious to health.

18 (5) If they are, in whole or in part, the product of
19 diseased poultry or of poultry which has died otherwise than
20 by slaughter.

21 (6) If their container is composed, in whole or in
22 part, of any poisonous or deleterious substance which may
23 render the contents injurious to health.

24 (7) If any substance has been substituted, wholly or
25 in part, therefor.

14 (8) If damage or inferiority has been concealed in any
15 manner.

16 (e) The term "official inspection mark" means the
17 official device or insignia of the Poultry Inspection Section,
18 formulated pursuant to rules and regulations prescribed by
19 the Secretary, certifying poultry or poultry products as to
20 fitness for use as human food, which is applied to poultry
21 or poultry products, or upon or within the containers thereof.

22 (f) The term "carcass" means any poultry carcass.

23 (g) The term "denatured" means subjected to the
24 application of crude oil, kerosene, or other material or pro-
25 cedure, so as to preclude use for human consumption.

14 (h) The term "poultry-processing establishment" means
15 any establishment in which any processing operation as
16 defined in this section is conducted.

17 (i) The term "processing" means any operation or
18 combination of operations whereby poultry which is intended
19 for sale for human consumption is killed, dressed, eviscerated,
20 cut up, heat treated, canned, packed, repacked, reprocessed,
21 or changed in size, shape, or form for marketing for human
22 consumption and includes the combining of poultry and
23 poultry products with other edible ingredients for marketing
24 for human consumption.

1 (j) The term "processing for commerce" means any
2 processing of poultry and poultry products for movement in
3 commerce at any time prior to its intended consumption as
4 human food, or any processing thereof for sale in the District
5 of Columbia or any Territory or possession of the United
6 States.

7 (k) The term "Poultry Inspection Section" means the
8 official Government service established pursuant to this Act
9 as a part of the Meat Inspection Branch, of the Department
10 of Agriculture, for the inspection for wholesomeness of
11 poultry and poultry products, and the performance of other
12 official duties relating to the carrying out of the provisions
13 of this Act.

14 (l) The term "inspector" means any person author-
15 ized by the Secretary of Agriculture to inspect poultry and
16 poultry products under the authority of this Act.

17 (m) The term "container" means any receptacle or
18 covering.

19 (n) The term "Secretary" means the Secretary of
20 Agriculture.

21 PROHIBITED ACTS

22 SEC. 3. On and after July 1, 1957, the following
23 acts and the causing thereof are hereby prohibited:

24 (1) Delivering or receiving for transportation or trans-
25 porting in commerce any poultry or poultry products which

1 have not been inspected, examined, and marked with an
2 official inspection mark.

3 (2) Forging, counterfeiting, or simulating, or without
4 proper authority using, defacing, destroying, detaching, or
5 altering any official inspection mark or failing to use, failing
6 to deface, failing to destroy, or failing to detach any official
7 inspection mark, as directed by rules and regulations here-
8 under prescribed by the Secretary.

9 (3) Forging, counterfeiting, or simulating, or without
10 proper authority using, defacing, destroying, detaching, or
11 altering any official certificates or documents, or failing to
12 use, failing to deface, failing to destroy, or failing to detach
13 any official certificates or documents as directed by rules
14 and regulations hereunder prescribed by the Secretary.

15 (4) Offering for sale or selling for human consumption,
16 whether at wholesale or retail, in the District of Columbia
17 or in any Territory or possession of the United States, any
18 poultry or poultry products from a poultry processing estab-
19 lishment engaged in processing for commerce which has
20 not been inspected, certified, and marked or labeled with an
21 official inspection mark in accordance with the provisions
22 of this Act as directed by rules and regulations hereunder
23 prescribed by the Secretary.

24 (5) Refusing to permit access, at all reasonable times,
25 to the premises of an establishment engaged in processing

1 poultry and poultry products for commerce, of inspectors and
2 other employees of the Poultry Inspection Section.

3 (6) Refusing to permit access to or the copying of any
4 records of an establishment engaged in processing poultry
5 and poultry products for commerce by inspectors or other
6 employees of the Poultry Inspection Section where such
7 records are relevant to the purposes of this Act.

8 INJUNCTION PROCEEDINGS

9 SEC. 4. (a) The district courts of the United States
10 shall have jurisdiction, for cause shown, and subject to the
11 provisions of section 17 (relating to notice to opposite party)
12 of the Act entitled "An Act to supplement existing laws
13 against unlawful restraints and monopolies, and for other
14 purposes", approved October 15, 1914, as amended, to
15 restrain violations of section 3.

16 (b) In case of violation of an injunction or restraining
17 order issued under this section, which also constitutes a vio-
18 lation of this Act, trial shall be by the court, or, upon demand
19 of the accused, by a jury. Such trial shall be conducted in
20 accordance with the practice and procedure applicable in the
21 case of proceedings subject to the provisions of section 22 of
22 such Act of October 15, 1914, as amended.

23 PENALTIES

24 SEC. 5. (a) Any person who violates any of the pro-
25 visions of section 3 of this Act shall be guilty of a misde-

1 meanor and shall on conviction thereof be subject to im-
2 prisonment for not more than one year, or a fine of not
3 more than \$1,000, or both such imprisonment and fine; but
4 if the violation is committed after a conviction of such
5 person under this section has become final, such person
6 shall be subjected to imprisonment for not more than three
7 years, or a fine of not more than \$10,000, or both such
8 imprisonment and fine.

9 (b) Notwithstanding the provisions of subsection (a),
10 in case of a violation of any of the provisions of section 3
11 of this Act, with intent to defraud or mislead, the penalty
12 shall be imprisonment for not more than three years, or a
13 fine of not more than \$10,000, or both such imprisonment
14 and fine.

15 ANTE MORTEM INSPECTION

16 SEC. 6. On and after July 1, 1957, for the purpose of
17 preventing the entry into or flow or movement in com-
18 merce of poultry and poultry products which are unsound,
19 unhealthful, diseased, unwholesome, adulterated, or other-
20 wise unfit for human food, the Secretary shall cause to be
21 made by inspectors, pursuant to rules and regulations here-
22 under prescribed, such ante mortem examination, inspection,
23 quarantine, segregation, and condemnation of poultry about
24 to be slaughtered as shall be necessary to prevent the slaugh-
25 tering and further processing of sick or suspect poultry in

1 poultry processing establishments engaged in processing for
2 commerce.

3 POST MORTEM EXAMINATION

4 SEC. 7. On and after July 1, 1957, for the purposes
5 hereinbefore set forth, the Secretary, under rules and regula-
6 tions by him prescribed, shall cause to be made by inspec-
7 tors, in each poultry processing establishment engaged in
8 processing for commerce, a post mortem examination and
9 inspection of the carcass of each bird processed. Carcasses
10 and parts thereof of all birds found to be sound, healthful,
11 wholesome, unadulterated, and fit for human food shall be
12 labeled with the official inspection mark. All carcasses and
13 parts thereof of birds found to be unsound, unhealthful, un-
14 wholesome, adulterated, or otherwise unfit for human con-
15 sumption shall be marked, stamped, tagged, or labeled in
16 appropriate language, pursuant to rules and regulations
17 prescribed by the Secretary, declaring the completion of
18 an inspection and the finding of unfitness of such carcass
19 or part thereof for human consumption. All carcasses and
20 parts thereof thus inspected and found to be unfit for human
21 consumption shall be condemned and shall be promptly
22 denatured or destroyed, under the supervision of an inspec-
23 tor, by the poultry processing establishment in which found,
24 pursuant to rules and regulations prescribed by the Secretary,

1 so as to prevent use of same as human food and preclude
2 dissemination of disease through consumption by animals.

3 REINSPECTION

4 SEC. 8. On and after July 1, 1957, under rules and
5 regulations prescribed by the Secretary, there shall be re-
6 inspection of carcasses and parts thereof as often as may be
7 deemed necessary to insure fitness of poultry and poultry
8 products for human consumption. The condemnation and
9 destruction procedures prescribed hereunder shall be appli-
10 cable if necessary, upon such reinspection, notwithstanding
11 that such poultry or poultry products had been passed and
12 certified in the previous inspection.

13 QUARANTINE AND SEGREGATION

14 SEC. 9. On and after July 1, 1957, under rules and
15 regulations prescribed by the Secretary, inspectors shall
16 direct such quarantine or segregation of uninspected, suspect,
17 or condemned live poultry or carcasses or parts thereof at
18 poultry processing establishments as will prevent contamina-
19 tion of poultry and poultry products which may be certified
20 as edible for human consumption.

21 INSPECTION MARK ON CONTAINERS

22 SEC. 10. When poultry or poultry products which have
23 been duly certified hereunder as fit for human consumption
24 shall be placed or packed in any container in any poultry
25 processing establishment, the person processing same shall

1 cause the official inspection mark to be placed upon the
2 container, pursuant to rules and regulations prescribed by
3 the Secretary.

4 INSPECTION MARK ON CARCASS OR PART

5 SEC. 11. When duly certified poultry or poultry prod-
6 ucts are intended to be offered for retail sale and are to be
7 shipped or removed from the poultry processing establish-
8 ment without being placed or packed in any retail container
9 labeled with the official inspection mark, the official inspec-
10 tion mark shall be placed upon or affixed to the carcass,
11 part thereof, or other unit of poultry or poultry products.

12 SANITATION OF PREMISES, FACILITIES, AND EQUIPMENT

13 SEC. 12. On and after July 1, 1957, each establish-
14 ment engaged in processing poultry or poultry products for
15 commerce shall construct, remodel, maintain, and operate its
16 premises, facilities, and equipment pursuant to rules and
17 regulations prescribed by the Secretary, to avoid rendering
18 the poultry and poultry products therein handled unsound,
19 unhealthful, diseased, unwholesome, adulterated, or other-
20 wise unfit for human food.

21 SANITARY PROCESSING PRACTICES

22 SEC. 13. On and after July 1, 1957, each establish-
23 ment engaged in processing poultry or poultry products for
24 commerce shall carry out such processing with constant
25 application of sanitary practices, pursuant to rules and regu-

1 lations prescribed by the Secretary, to avoid rendering the
2 poultry and poultry products therein handled unsound, un-
3 healthful, diseased, unwholesome, adulterated, or otherwise
4 unfit for human food.

5 EFFECT OF FAILURE TO MAINTAIN STANDARDS OR PROC-
6 ESSING PRACTICES

7 SEC. 14. On and after July 1, 1957, the mainte-
8 nance, operations, and practices required under sections 12
9 and 13 shall be supervised by inspectors, and upon the fail-
10 ure, neglect, or refusal of any establishment engaged in
11 processing for commerce to adhere to required standards the
12 inspectors, conformably to rules and regulations prescribed
13 by the Secretary, shall refuse to allow the use of the official
14 inspection mark upon any poultry and poultry products han-
15 dled in such establishment, during the period of such failure,
16 neglect, or refusal.

17 EXEMPTIONS

18 SEC. 15. (a) The Secretary is authorized, under such
19 regulations as he may prescribe, to issue certificates of ex-
20 emption to any poultry producer for poultry of his own
21 raising on his own farm which he sells directly to household
22 consumers only and who does not engage in buying or selling
23 poultry products other than those produced on his own farm.

24 (b) For two years following the date of enactment of
25 this Act certificates of exemption may be issued in cases

1 where the Secretary is unable to provide inspection. The
2 Secretary shall require that any person as a condition to
3 the receipt of an exemption certificate shall comply with
4 the sanitation standards, practices, and procedures promul-
5 gated by the Secretary in rules and regulations. No such
6 exemptions shall be effective after the expiration of two
7 years from the date of enactment of this Act.

8 (c) The Secretary may terminate exemption certifi-
9 cates at any time.

10 IMPORTED POULTRY AND POULTRY PRODUCTS

11 SEC. 16. No poultry or poultry products of any kind
12 shall be imported into the United States unless such poultry
13 or poultry products is healthful, wholesome, and fit for
14 human food and contains no dye, chemical, preservative, or
15 ingredient which renders such poultry or poultry products
16 unhealthful, unwholesome, or unfit for human food, and un-
17 less such poultry or poultry products also complies with the
18 rules and regulations prescribed by the Secretary of Agri-
19 culture. All imported poultry or poultry products shall,
20 after entry into the United States, be subject to the provi-
21 sions of this Act.

22 ESTABLISHMENT OF A POULTRY INSPECTION SECTION

23 SEC. 17. There is hereby created in the Department of
24 Agriculture, as a part of the Meat Inspection Branch, a
25 Poultry Inspection Section. The Secretary shall have the

1 power to appoint, remove, and fix the compensation, in
2 accordance with existing laws, of such officers, inspectors,
3 and employees of the Poultry Inspection Section as he
4 deems necessary, including expenditures for rent outside the
5 District of Columbia, travel, supplies, books, equipment,
6 and such other expenditures as may be necessary to the
7 administration of this Act.

8 RELATIONSHIP TO OTHER ACTS

9 SEC. 18. This Act shall not be construed as (1) super-
10 seding or limiting the functions, under any other law, of
11 the Secretary of Health, Education, and Welfare or the
12 Department of Health, Education, and Welfare, the Food
13 and Drug Administration, the Surgeon General of the Public
14 Health Service, or the Public Health Service, or of any
15 other officer or agency of the United States, or (2) affecting
16 or impairing the provisions of any treaty of the United
17 States.

18 PROMULGATION OF ORDERS, RULES, AND REGULATIONS

19 SEC. 19. The Secretary shall promulgate such orders,
20 rules and regulations as he deems necessary to carry out the
21 provisions of this Act.

22 SEPARABILITY

23 SEC. 20. If any provision of this Act is declared uncon-
24 stitutional, or the applicability thereof to any person or

1 circumstances is held invalid, the constitutionality of the
2 remainder of the Act and the applicability thereof to other
3 persons and circumstances shall not be affected thereby.

A BILL

To provide for the compulsory inspection of poultry and poultry products so as to prohibit the movement in interstate or foreign commerce of unsound, unhealthful, diseased, unwholesome, or adulterated poultry or poultry products.

By Mr. ANFUSO

FEBRUARY 5, 1957

Referred to the Committee on Agriculture

S. 1128

TO AMEND THE ACT OF THE 22ND MARCH 1871

RELATIVE TO THE

REGISTRATION OF COMPANIES AND THE REGISTRATION OF THE SHARES OF SUCH COMPANIES, AND TO AMEND THE ACT OF THE 22ND MARCH 1871 RELATIVE TO THE REGISTRATION OF THE SHARES OF SUCH COMPANIES, AND TO AMEND THE ACT OF THE 22ND MARCH 1871 RELATIVE TO THE REGISTRATION OF THE SHARES OF SUCH COMPANIES.

A BILL

FOR THE REGISTRATION OF COMPANIES AND THE REGISTRATION OF THE SHARES OF SUCH COMPANIES, AND TO AMEND THE ACT OF THE 22ND MARCH 1871 RELATIVE TO THE REGISTRATION OF THE SHARES OF SUCH COMPANIES.

Enacted by the Queen and the Lords of the Council.

By the Queen's Command, We have caused the same to be printed.

By the Queen's Command, We have caused the same to be printed.

A BILL

To amend the act entitled "An act to provide for the establishment of a National Bureau of Standards," approved July 1, 1902, in relation to the National Bureau of Standards, and for other purposes.

S. 1128

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1957

Mr. HUMPHREY (for himself, Mr. CHAVEZ, Mr. CLARK, Mr. DOUGLAS, Mr. GREEN, Mr. JACKSON, Mr. LANGER, Mr. McNAMARA, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MORSE, Mr. MURRAY, Mr. NEUBERGER, and Mrs. SMITH of Maine) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products Inspec-
4 tion Act".

LEGISLATIVE FINDING

5
6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-

1 wholesome poultry products in the channels of interstate
2 or foreign commerce are injurious to the public welfare,
3 adversely affect the marketing of wholesome poultry prod-
4 ucts, result in sundry losses to producers, and destroy
5 markets for wholesome poultry products. The marketing
6 of wholesome poultry products is affected with the public
7 interest and directly affects the welfare of the people. All
8 poultry and poultry products which have or are required to
9 have inspection under this Act are either in the current of
10 interstate or foreign commerce or directly affect such com-
11 merce. That part that enters directly into the current
12 of interstate or foreign commerce cannot be effectively in-
13 spected and regulated without also inspecting and regulat-
14 ing all poultry and poultry products processed or handled
15 in the same establishment.

16 The great volume of poultry products required as an
17 article of food for the inhabitants of large centers of popu-
18 lation directly affects the movement of poultry and poultry
19 products in interstate commerce. To protect interstate com-
20 merce in poultry and poultry products inspected for whole-
21 someness, from being adversely burdened, obstructed, or
22 affected by uninspected poultry or poultry products, the
23 Secretary of Agriculture should hold public hearings to
24 ascertain from time to time and to designate cities or areas
25 where poultry or poultry products are handled or consumed

1 in such volume as to affect the movement of inspected poultry
2 or poultry products in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to
7 prevent the movement in interstate or foreign commerce
8 or in a designated city or area of poultry products which are
9 unwholesome, adulterated or otherwise unfit for human food.

10 DESIGNATION

11 SEC. 4. The Secretary is authorized to ascertain from
12 time to time the cities or areas where poultry or poultry
13 products are handled or consumed in such volume as to affect,
14 burden, or obstruct the movement of inspected poultry prod-
15 ucts in commerce. Whenever, after public hearings, he
16 finds that the designation of such a city or area will tend to
17 effectuate the purposes of this Act, he shall by order desig-
18 nate such city or area: *Provided*, That the governing body
19 of such a city or area has consented to such designation.
20 Such designation shall not become effective until six months
21 after the notice thereof is published in the Federal Register.
22 On and after the effective date of such designation, all poultry
23 and poultry products processed, sold, received, or delivered
24 in any such designated city or area shall be subject to the
25 provisions of this Act.

INSPECTION

1
2 SEC. 5. (a) For the purpose of preventing the entry
3 into or flow or movement in commerce or in a designated
4 city or area of any poultry product which is unwholesome
5 or adulterated, the Secretary shall, whenever processing
6 operations are being conducted, cause to be made by in-
7 spectors ante mortem inspection in such manner as he deter-
8 mines necessary; post mortem inspection of the carcass of
9 each bird processed, and such quarantine, segregation and
10 reinspection as he determines necessary of poultry and
11 poultry products in each official establishment processing
12 such poultry or poultry products for commerce or in or for
13 marketing in a designated city or area. All poultry, car-
14 casses and parts thereof, and poultry products found to be
15 unwholesome or adulterated shall be condemned and shall,
16 if no appeal be taken from such determination of condemna-
17 tion, be destroyed for human food purposes under the super-
18 vision of an inspector. If an appeal be taken from such
19 determination, the product shall be appropriately marked
20 and segregated pending completion of an appeal inspection,
21 which appeal shall be at the cost of the appellant if the Secre-
22 tary determines that the appeal is frivolous. If the deter-
23 mination of condemnation is sustained the product shall be
24 destroyed for human food purposes under the supervision of
25 an inspector.

1 (b) The Secretary shall refuse to render inspection to
2 any establishment whose premises, facilities, or equipment,
3 or the operation thereof, fail to meet the requirements of
4 section 6 of this Act.

5 SANITATION, FACILITIES, AND PRACTICES

6 SEC. 6. Each official establishment slaughtering poultry
7 or processing poultry products for commerce or in or for
8 marketing in a designated city or area shall have such
9 premises, facilities and equipment, and be operated in accord-
10 ance with such sanitary practices, as are required and ap-
11 proved by the Secretary for the purpose of preventing the
12 entry into or flow or movement in commerce or in a desig-
13 nated city or area, of poultry products which are unwhole-
14 some or adulterated.

15 LABELING

16 SEC. 7. (a) Each shipping container of any poultry
17 product inspected under the authority of this Act and found
18 to be wholesome, shall at the time such product leaves the
19 official establishment bear, in distinctly legible form, the
20 official inspection mark, the name of the product, an accurate
21 statement of the quantity of the contents in terms of weight,
22 measure, or numerical count, and the name and address or
23 an approved plant number of the official establishment in
24 which the contents were processed. Each individual con-
25 sumer package, if any, of any poultry product inspected

1 under the authority of this Act and found to be wholesome
2 shall bear, in addition to the official inspection mark, in
3 distinctly legible form, the name of the product, a statement
4 of ingredients if fabricated from two or more ingredients,
5 the net weight or other appropriate measure of the con-
6 tents, and the name and address or approved plant number
7 of the official establishment in which the contents were
8 processed: *Provided*, That the name and address of the
9 distributor may be used if the approved plant number is
10 used to identify the official establishment in which the poultry
11 product was prepared and packed.

12 (b) The use of any written, printed, or graphic matter
13 upon or accompanying any poultry product inspected or re-
14 quired to be inspected pursuant to the provisions of this Act
15 or the container thereof which is false or misleading in any
16 particular is prohibited. No poultry products inspected or
17 required to be inspected pursuant to the provisions of this
18 Act shall be sold or offered for sale by any person, firm, or
19 corporation under any false or deceptive name; but estab-
20 lished trade name or names which are usual to such products
21 and which are not false and deceptive and which shall be
22 approved by the Secretary are permitted. If the Secretary
23 has reason to believe that any label in use or prepared for use
24 is false or misleading in any particular, he may direct that
25 the use of the label be withheld unless it is modified in such

1 manner as the Secretary may prescribe so that it will not be
2 false or misleading. If the person using or proposing to use
3 the label does not accept the determination of the Secretary,
4 he may request a hearing, but the use of the label shall, if
5 the Secretary so directs, be withheld pending hearing and
6 final determination by the Secretary. Any such determina-
7 tion by the Secretary shall be conclusive unless within thirty
8 days after the receipt of notice of such final determination
9 the person adversely affected thereby appeals to the United
10 States court of appeals for the circuit in which he has his
11 principal place of business or to the United States Court of
12 Appeals for the District of Columbia Circuit. The provisions
13 of section 204 of the Packers and Stockyards Act of 1921,
14 as amended, shall be applicable to appeals taken under this
15 section.

16 PROHIBITED ACTS

17 SEC. 8. The following acts or the causing thereof are
18 hereby prohibited:

19 (a) The processing, sale, or offering for sale, trans-
20 portation or delivery or receiving for transportation, in com-
21 merce or in a designated city or area of any poultry product,
22 unless such poultry product has been inspected for whole-
23 someness and unless the shipping container and the indi-
24 vidual consumer package, if any, are marked in accordance
25 with the provisions of this Act.

1 (b) The sale or other disposition for human food of any
2 poultry or poultry product which has been inspected and
3 declared to be unwholesome or adulterated under this Act.

4 (c) Falsely making or issuing, altering, forging, simu-
5 lating or counterfeiting any official inspection certificate,
6 memorandum, mark, or other identification, or device for
7 making such mark or identification, used in connection with
8 the inspection of poultry or poultry products under this Act,
9 or causing, procuring, aiding, assisting in, or being a party
10 to, such false making, issuing, altering, forging, simulating,
11 or counterfeiting, or possessing, without promptly notifying
12 the Secretary of Agriculture or his representative, uttering,
13 publishing, or using as true, or causing to be uttered, pub-
14 lished, or used as true, any such falsely made or issued,
15 altered, forged, simulated, or counterfeited official inspection
16 certificate, memorandum, mark, or other identification, or
17 device for making such mark or identification, or representing
18 that any poultry or poultry product has been officially
19 inspected under the authority of this Act when such poultry
20 or poultry product has in fact not been so inspected.

21 (d) Using in commerce, or in a designated city or
22 area, a false or misleading label on any poultry product.

23 (e) The use of any container bearing an official in-
24 spection mark except for the poultry product in the original

1 form in which it was inspected and covered by said mark
2 unless the mark is removed, obliterated, or otherwise de-
3 stroyed.

4 (f) The refusal to permit access by any duly author-
5 ized representative of the Secretary, at all reasonable times,
6 to the premises of an establishment engaged in processing
7 poultry or poultry products for commerce, or in or for mar-
8 keting in a designated city or area, upon presentation of
9 appropriate credentials.

10 (g) The refusal to permit access to and the copying of
11 any record as authorized by section 10 of this Act.

12 (h) The using by any person to his own advantage, or
13 revealing, other than to the authorized representatives of the
14 Government in their official capacity, or to the courts when
15 relevant in any judicial proceeding under this Act, any in-
16 formation acquired under the authority of this Act, concern-
17 ing any matter which as a trade secret is entitled to protec-
18 tion.

19 (i) Delivering, receiving, transporting, selling, or offer-
20 ing for sale or transport any poultry slaughtered for human
21 food or any part thereof, separately or in combination with
22 other ingredients, other than poultry products as defined in
23 this Act, in commerce or in a designated city or area, except

1 that such poultry may be transported to foreign countries
2 pursuant to rules and regulations prescribed by the Secre-
3 tary.

4 SEC. 9. No establishment processing poultry or poultry
5 products for commerce or in or for marketing in a desig-
6 nated city or area shall process any poultry or poultry prod-
7 uct except in compliance with the requirements of this Act.

8 RECORDS OF INTERSTATE SHIPMENT

9 SEC. 10. For the purpose of enforcing the provisions of
10 this Act, persons engaged in the business of processing,
11 transporting, shipping, or receiving poultry slaughtered for
12 human consumption or poultry products in commerce or in
13 a designated city or area, or holding such products so re-
14 ceived, shall maintain records for a period of two years
15 following each transaction showing, to the extent that they
16 are concerned therewith, the receipt, delivery, sale, move-
17 ment, or disposition of poultry and poultry products and
18 shall, upon the request of a duly authorized representative
19 of the Secretary, permit him at reasonable times to have
20 access to and to copy all such records.

21 INJUNCTION PROCEEDINGS

22 SEC. 11. The district courts of the United States are
23 vested with jurisdiction specifically to enforce, and to pre-
24 vent and restrain violations of, this Act. The remedies pro-
25 vided for in this section shall be in addition to, and not ex-

1 clusive of, any of the remedies or penalties provided for
2 elsewhere in this Act or now or hereafter existing at law or
3 in equity.

4 PENALTIES

5 SEC. 12. Any person who violates the provisions of sec-
6 tion 8, 9, 10, or 17, shall be guilty of a misdemeanor and
7 shall on conviction thereof be subject to imprisonment for
8 not more than one year, or a fine of not more than \$5,000,
9 or both such imprisonment and fine; but if such violation is
10 committed after a conviction of such person under this
11 section has become final such person shall be subject to
12 imprisonment for not more than two years, or a fine of not
13 more than \$10,000, or both such imprisonment and fine.
14 When construing or enforcing the provisions of said sec-
15 tions, the act, omission, or failure of any person acting for
16 or employed by any individual, partnership, corporation, or
17 association within the scope of his employment or office
18 shall in every case be deemed the act, omission, or failure
19 of such individual, partnership, corporation, or association,
20 as well as of such person.

21 SEC. 13. Before any violation of this Act is reported
22 by the Secretary to any United States attorney for institu-
23 tion of a criminal proceeding, the person against whom
24 such proceeding is contemplated shall be given reasonable
25 notice of the alleged violation and opportunity to present

1 his views orally or in writing with regard to such con-
2 templated proceeding. Nothing in this Act shall be con-
3 strued as requiring the Secretary to report for criminal
4 prosecution or for the institution of injunction proceedings
5 violations of this Act whenever he believes that the public
6 interest will be adequately served and compliance with the
7 Act obtained by a suitable written notice or warning.

8 REGULATIONS

9 SEC. 14. The Secretary shall promulgate such rules and
10 regulations as are necessary to carry out the provisions of
11 this Act.

12 EXEMPTIONS

13 SEC. 15. (a) The Secretary is authorized, by regulation
14 and under such conditions as to sanitary standards, prac-
15 tices, and procedures as he may prescribe, to exempt from
16 specific provisions of this Act—

17 (1) poultry producers with respect to poultry of
18 their own raising on their own farms which they sell
19 directly to household consumers only: *Provided*, That
20 such poultry producers do not engage in buying or
21 selling poultry products other than those produced from
22 poultry raised on their own farms;

23 (2) retail dealers with respect to poultry products
24 sold directly to consumers in individual retail stores:

1 *Provided*, That the only processing operation per-
2 formed by such retail dealers is the cutting up of poultry
3 products on the premises in which such sales to con-
4 sumers are made.

5 (b) The Secretary may by order suspend or terminate
6 any exemption under this section with respect to any person
7 whenever he finds that such action will aid in effectuating
8 the purposes of this Act.

9 VIOLATIONS BY EXEMPTED PERSONS

10 SEC. 16. Any person who sells, delivers, transports, or
11 offers for sale or transportation in commerce or in a desig-
12 nated city or area any poultry products which are exempt
13 under section 15, and which are unwholesome and adulter-
14 ated and are intended for human consumption, shall be
15 guilty of a misdemeanor and shall on conviction thereof be
16 subject to the penalties set forth in section 12.

17 IMPORTS

18 SEC. 17. (a) No slaughtered poultry, or parts or
19 products thereof, of any kind shall be imported into the
20 United States unless they are healthful, wholesome, and fit
21 for human food and contain no dye, chemical, preservative,
22 or ingredient which renders them unhealthful, unwholesome,
23 or unfit for human food and unless they also comply with
24 the rules and regulations made by the Secretary of Agricul-

1 ture. All imported slaughtered poultry, or parts or products
2 thereof, shall after entry into the United States in compliance
3 with such rules and regulations be deemed and treated as
4 domestic slaughtered poultry, or parts or products thereof,
5 within the meaning and subject to the provisions of this Act
6 and the Federal Food, Drug, and Cosmetic Act, and Acts
7 amendatory of, supplemental to, or in substitution for such
8 Acts.

9 (b) The Secretary of Agriculture is authorized to make
10 rules and regulations to carry out the purposes of this section
11 and in such rules and regulations the Secretary of Agriculture
12 may prescribe the terms and conditions for the destruction of
13 all slaughtered poultry, or parts or products thereof, offered
14 for entry and refused admission into the United States unless
15 such slaughtered poultry, or parts or products thereof, be
16 exported by the consignee within the time fixed therefor in
17 such rules and regulations.

18 (c) All charges for storage, cartage, and labor with
19 respect to any product which is refused admission pursuant
20 to this section shall be paid by the owner or consignee, and
21 in default of such payment shall constitute a lien against any
22 other products imported thereafter by or for such owner or
23 consignee.

GENERAL PROVISIONS

1
2 SEC. 18. (a) Poultry and poultry products shall be
3 exempt from the provisions of the Federal Food, Drug, and
4 Cosmetic Act, as amended, to the extent of the application
5 or the extension thereto of the provisions of this Act.

6 (b) In carrying out the provisions of this Act, the
7 Secretary may cooperate with other branches of Government
8 and with State agencies.

COST OF INSPECTION

9
10 SEC. 19. The cost of inspection rendered under the re-
11 quirements of this Act shall be borne by the United States
12 except the cost of overtime. The Secretary of Agriculture
13 is authorized in his discretion to pay employees employed
14 in establishments subject to the provisions of this Act for
15 all overtime work performed at such establishments at such
16 rates as he may determine and to accept from such establish-
17 ments wherein such overtime work is performed reimburse-
18 ment for any sums paid out by him for such overtime work.

APPROPRIATIONS

19
20 SEC. 20. There is hereby authorized to be appropri-
21 ated such sums as are necessary to carry out the provisions
22 of this Act.

1 SEPARABILITY OF PROVISIONS

2 SEC. 21. If any provision of this Act or the application
3 thereof to any person or circumstances is held invalid, the
4 validity of the remainder of the Act and of the application
5 of such provision to other persons and circumstances shall
6 not be affected thereby.

7 DEFINITIONS

8 SEC. 22. For purposes of this Act—

9 (a) The term “commerce” means commerce between
10 any State, Territory, or possession, or the District of Co-
11 lumbia, and any place outside thereof; or between points
12 within the same State or the District of Columbia, but
13 through any place outside thereof; or within the District
14 of Columbia.

15 (b) The term “Secretary” means the Secretary of Agri-
16 culture.

17 (c) The term “person” means any individual, partner-
18 ship, corporation, association, or any other business unit.

19 (d) The term “poultry” means any live or slaughtered
20 domesticated or commercially produced game bird.

21 (e) The term “poultry product” means any poultry
22 which has been slaughtered for human food from which the
23 blood, feathers, feet, head, and viscera have been removed
24 in accordance with rules and regulations promulgated by
25 the Secretary, any edible part of poultry, or, unless exempted

1 by the Secretary, any human food product consisting of any
2 edible part of poultry separately or in combination with
3 other ingredients.

4 (f) The term "wholesome" means sound, healthful,
5 wholesome, and otherwise fit for human food.

6 (g) The term "unwholesome" means:

7 (1) Unsound, injurious to health, or otherwise rendered
8 unfit for human food.

9 (2) Consisting in whole or in part of any filthy, putrid,
10 or decomposed substance.

11 (3) Processed, prepared, packed, or held under unsani-
12 tary conditions whereby a poultry carcass or parts therefor
13 any poultry product may have become contaminated with
14 filth or whereby a poultry product may have been rendered
15 injurious to health.

16 (4) Produced in whole or in part from diseased poultry
17 or from poultry which has died otherwise than by slaughter.

18 (5) Packaged in a container composed of any poison-
19 ous or deleterious substance which may render the contents
20 injurious to health.

21 (h) The term "adulterated" shall apply to poultry and
22 poultry products under one or more of the following cir-
23 cumstances:

24 (1) If they bear or contain any poisonous or deleterious
25 substance which may render them injurious to health; but,

1 in case the substance is not an added substance, such poultry
2 and poultry products shall not be considered adulterated
3 under this clause if the quantity of such substance in such
4 poultry and poultry products does not ordinarily render them
5 injurious to health.

6 (2) If they bear or contain any added poisonous or
7 added deleterious substance, unless such substance is per-
8 mitted in their production or unavoidable under good manu-
9 facturing practices as may be determined by rules and regu-
10 lations hereunder prescribed by the Secretary or other pro-
11 visions of Federal law limiting or tolerating the quantity
12 of such added substance on or in such poultry and poultry
13 products: *Provided*, That any quantity of such added sub-
14 stance exceeding the limits so fixed shall also be deemed to
15 constitute adulteration.

16 (3) If any substance has been substituted, wholly or in
17 part, therefor.

18 (4) If damage or inferiority has been concealed in any
19 manner.

20 (i) The term "inspector" means any employee of the
21 Federal Government authorized by the Secretary of Agri-
22 culture to inspect poultry and poultry products under the
23 authority of this Act.

24 (j) The term "official inspection mark" means the sym-

1 bol, formulated pursuant to rules and regulations prescribed
2 by the Secretary, stating that the product was inspected.

3 (k) The term "inspection service" means the official
4 Government service within the Agricultural Research Serv-
5 ice, Department of Agriculture, having the responsibility
6 for the inspection for wholesomeness of poultry and poultry
7 products, and for carrying out the provisions of this Act.

8 (l) The terms "container" or "package" include any
9 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
10 or cover.

11 (m) The term "official establishment" means any estab-
12 lishment as determined by the Secretary at which inspection
13 of the slaughter of poultry, or the processing of poultry prod-
14 ucts, is maintained under the authority of this Act.

15 (n) The term "label" means any written, printed, or
16 graphic material upon the shipping container or upon the
17 individual consumer package, if any, of the poultry product,
18 or accompanying such product.

19 EFFECTIVE DATE

20 SEC. 23. This Act shall take effect upon enactment:
21 *Provided*, That no person shall be subject to the provisions
22 of this Act prior to July 1, 1958, unless such person applies
23 for and receives inspection for poultry or poultry products in
24 accordance with the provisions of this Act and pursuant to

1 regulations promulgated by the Secretary hereunder, in any
2 establishment processing poultry or poultry products in com-
3 merce or in a designated city or area. Any person who volun-
4 tarily applies for and receives such inspection prior to July 1,
5 1958, shall be subject, on and after the date he commences
6 to receive such inspection, to all of the provisions and
7 penalties provided for in this Act with respect to all poultry
8 or poultry products handled in the establishment for which
9 said application for inspection is made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. HUMPHREY, Mr. CHAVEZ, Mr. CLARK, Mr. DOUGLAS, Mr. GREEN, Mr. JACKSON, Mr. LANGER, Mr. McNAMARA, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MORSE, Mr. MURRAY, Mr. NEUBERGER, and Mrs. SMITH of Maine

FEBRUARY 7, 1957

Read twice and referred to the Committee on
Agriculture and Forestry

85TH CONGRESS
1ST SESSION

H. R. 5398

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1957

Mrs. SULLIVAN (by request) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products Inspec-
4 tion Act".

LEGISLATIVE FINDING

5
6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-

1 wholesome poultry products in the channels of interstate
2 or foreign commerce are injurious to the public welfare,
3 adversely affect the marketing of wholesome poultry prod-
4 ucts, result in sundry losses to producers, and destroy
5 markets for wholesome poultry products. The marketing
6 of wholesome poultry products is affected with the public
7 interest and directly affects the welfare of the people. All
8 poultry and poultry products which have or are required to
9 have inspection under this Act are either in the current of
10 interstate or foreign commerce or directly affect such com-
11 merce. That part that enters directly into the current
12 of interstate or foreign commerce cannot be effectively in-
13 spected and regulated without also inspecting and regulat-
14 ing all poultry and poultry products processed or handled
15 in the same establishment.

16 The great volume of poultry products required as an
17 article of food for the inhabitants of large centers of popu-
18 lation directly affects the movement of poultry and poultry
19 products in interstate commerce. To protect interstate com-
20 merce in poultry and poultry products inspected for whole-
21 someness, from being adversely burdened, obstructed, or
22 affected by uninspected poultry or poultry products, the
23 Secretary of Agriculture should hold public hearings to
24 ascertain from time to time and to designate cities or areas
25 where poultry or poultry products are handled or consumed

1 in such volume as to affect the movement of inspected poultry
2 or poultry products in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to
7 prevent the movement in interstate or foreign commerce
8 or in a designated city or area of poultry products which are
9 unwholesome, adulterated or otherwise unfit for human food.

10 DESIGNATION

11 SEC. 4. The Secretary is authorized to ascertain from
12 time to time the cities or areas where poultry or poultry
13 products are handled or consumed in such volume as to affect,
14 burden, or obstruct the movement of inspected poultry prod-
15 ucts in commerce. Whenever, after public hearings, he
16 finds that the designation of such a city or area will tend to
17 effectuate the purposes of this Act, he shall by order desig-
18 nate such city or area: *Provided*, That the governing body
19 of such a city or area has consented to such designation.
20 Such designation shall not become effective until six months
21 after the notice thereof is published in the Federal Register.
22 On and after the effective date of such designation, all poultry
23 and poultry products processed, sold, received, or delivered
24 in any such designated city or area shall be subject to the
25 provisions of this Act.

1 INSPECTION

2 SEC. 5. (a) For the purpose of preventing the entry
3 into or flow or movement in commerce or in a designated
4 city or area of any poultry product which is unwholesome
5 or adulterated, the Secretary shall, whenever processing
6 operations are being conducted, cause to be made by in-
7 spectors ante mortem inspection in such manner as he deter-
8 mines necessary; post mortem inspection of the carcass of
9 each bird processed, and such quarantine, segregation and
10 reinspection as he determines necessary of poultry and
11 poultry products in each official establishment processing
12 such poultry or poultry products for commerce or in or for
13 marketing in a designated city or area. All poultry, car-
14 casses and parts thereof, and poultry products found to be
15 unwholesome or adulterated shall be condemned and shall,
16 if no appeal be taken from such determination of condemna-
17 tion, be destroyed for human food purposes under the super-
18 vision of an inspector. If an appeal be taken from such
19 determination, the product shall be appropriately marked
20 and segregated pending completion of an appeal inspection,
21 which appeal shall be at the cost of the appellant if the Secre-
22 tary determines that the appeal is frivolous. If the deter-
23 mination of condemnation is sustained the product shall be
24 destroyed for human food purposes under the supervision of
25 an inspector.

1 (b) The Secretary shall refuse to render inspection to
2 any establishment whose premises, facilities, or equipment,
3 or the operation thereof, fail to meet the requirements of
4 section 6 of this Act.

5 SANITATION, FACILITIES, AND PRACTICES

6 SEC. 6. Each official establishment slaughtering poultry
7 or processing poultry products for commerce or in or for
8 marketing in a designated city or area shall have such
9 premises, facilities and equipment, and be operated in accord-
10 ance with such sanitary practices, as are required and ap-
11 proved by the Secretary for the purpose of preventing the
12 entry into or flow or movement in commerce or in a desig-
13 nated city or area, of poultry products which are unwhole-
14 some or adulterated.

15 LABELING

16 SEC. 7. (a) Each shipping container of any poultry
17 product inspected under the authority of this Act and found
18 to be wholesome, shall at the time such product leaves the
19 official establishment bear, in distinctly legible form, the
20 official inspection mark, the name of the product, an accurate
21 statement of the quantity of the contents in terms of weight,
22 measure, or numerical count, and the name and address or
23 an approved plant number of the official establishment in
24 which the contents were processed. Each individual con-
25 sumer package, if any, of any poultry product inspected

1 under the authority of this Act and found to be wholesome
2 shall bear, in addition to the official inspection mark, in
3 distinctly legible form, the name of the product, a statement
4 of ingredients if fabricated from two or more ingredients,
5 the net weight or other appropriate measure of the con-
6 tents, and the name and address or approved plant number
7 of the official establishment in which the contents were
8 processed: *Provided*, That the name and address of the
9 distributor may be used if the approved plant number is
10 used to identify the official establishment in which the poultry
11 product was prepared and packed.

12 (b) The use of any written, printed, or graphic matter
13 upon or accompanying any poultry product inspected or re-
14 quired to be inspected pursuant to the provisions of this Act
15 or the container thereof which is false or misleading in any
16 particular is prohibited. No poultry products inspected or
17 required to be inspected pursuant to the provisions of this
18 Act shall be sold or offered for sale by any person, firm, or
19 corporation under any false or deceptive name; but estab-
20 lished trade name or names which are usual to such products
21 and which are not false and deceptive and which shall be
22 approved by the Secretary are permitted. If the Secretary
23 has reason to believe that any label in use or prepared for use
24 is false or misleading in any particular, he may direct that
25 the use of the label be withheld unless it is modified in such

1 manner as the Secretary may prescribe so that it will not be
2 false or misleading. If the person using or proposing to use
3 the label does not accept the determination of the Secretary,
4 he may request a hearing, but the use of the label shall, if
5 the Secretary so directs, be withheld pending hearing and
6 final determination by the Secretary. Any such determina-
7 tion by the Secretary shall be conclusive unless within thirty
8 days after the receipt of notice of such final determination
9 the person adversely affected thereby appeals to the United
10 States court of appeals for the circuit in which he has his
11 principal place of business or to the United States Court of
12 Appeals for the District of Columbia Circuit. The provisions
13 of section 204 of the Packers and Stockyards Act of 1921,
14 as amended, shall be applicable to appeals taken under this
15 section.

16 PROHIBITED ACTS

17 SEC. 8. The following acts or the causing thereof are
18 hereby prohibited:

19 (a) The processing, sale, or offering for sale, trans-
20 portation or delivery or receiving for transportation, in com-
21 merce or in a designated city or area of any poultry product,
22 unless such poultry product has been inspected for whole-
23 someness and unless the shipping container and the indi-
24 vidual consumer package, if any, are marked in accordance
25 with the provisions of this Act.

1 (b) The sale or other disposition for human food of any
2 poultry or poultry product which has been inspected and
3 declared to be unwholesome or adulterated under this Act.

4 (c) Falsely making or issuing, altering, forging, simu-
5 lating or counterfeiting any official inspection certificate,
6 memorandum, mark, or other identification, or device for
7 making such mark or identification, used in connection with
8 the inspection of poultry or poultry products under this Act,
9 or causing, procuring, aiding, assisting in, or being a party
10 to, such false making, issuing, altering, forging, simulating,
11 or counterfeiting, or possessing, without promptly notifying
12 the Secretary of Agriculture or his representative, uttering,
13 publishing, or using as true, or causing to be uttered, pub-
14 lished, or used as true, any such falsely made or issued,
15 altered, forged, simulated, or counterfeited official inspection
16 certificate, memorandum, mark, or other identification, or
17 device for making such mark or identification, or representing
18 that any poultry or poultry product has been officially
19 inspected under the authority of this Act when such poultry
20 or poultry product has in fact not been so inspected.

21 (d) Using in commerce, or in a designated city or
22 area, a false or misleading label on any poultry product.

23 (e) The use of any container bearing an official in-
24 spection mark except for the poultry product in the original

1 form in which it was inspected and covered by said mark
2 unless the mark is removed, obliterated, or otherwise de-
3 stroyed.

4 (f) The refusal to permit access by any duly author-
5 ized representative of the Secretary, at all reasonable times,
6 to the premises of an establishment engaged in processing
7 poultry or poultry products for commerce, or in or for mar-
8 keting in a designated city or area, upon presentation of
9 appropriate credentials.

10 (g) The refusal to permit access to and the copying of
11 any record as authorized by section 10 of this Act.

12 (h) The using by any person to his own advantage, or
13 revealing, other than to the authorized representatives of the
14 Government in their official capacity, or to the courts when
15 relevant in any judicial proceeding under this Act, any in-
16 formation acquired under the authority of this Act, concern-
17 ing any matter which as a trade secret is entitled to protec-
18 tion.

19 (i) Delivering, receiving, transporting, selling, or offer-
20 ing for sale or transport any poultry slaughtered for human
21 food or any part thereof, separately or in combination with
22 other ingredients, other than poultry products as defined in
23 this Act, in commerce or in a designated city or area, except

1 that such poultry may be transported to foreign countries
2 pursuant to rules and regulations prescribed by the Secre-
3 tary.

4 SEC. 9. No establishment processing poultry or poultry
5 products for commerce or in or for marketing in a desig-
6 nated city or area shall process any poultry or poultry prod-
7 uct except in compliance with the requirements of this Act.

8 RECORDS OF INTERSTATE SHIPMENT

9 SEC. 10. For the purpose of enforcing the provisions of
10 this Act, persons engaged in the business of processing,
11 transporting, shipping, or receiving poultry slaughtered for
12 human consumption or poultry products in commerce or in
13 a designated city or area, or holding such products so re-
14 ceived, shall maintain records for a period of two years
15 following each transaction showing, to the extent that they
16 are concerned therewith, the receipt, delivery, sale, move-
17 ment, or disposition of poultry and poultry products and
18 shall, upon the request of a duly authorized representative
19 of the Secretary, permit him at reasonable times to have
20 access to and to copy all such records.

21 INJUNCTION PROCEEDINGS

22 SEC. 11. The district courts of the United States are
23 vested with jurisdiction specifically to enforce, and to pre-
24 vent and restrain violations of, this Act. The remedies pro-
25 vided for in this section shall be in addition to, and not ex-

1 clusive of, any of the remedies or penalties provided for
2 elsewhere in this Act or now or hereafter existing at law or
3 in equity.

4 PENALTIES

5 SEC. 12. Any person who violates the provisions of sec-
6 tion 8, 9, 10, or 17, shall be guilty of a misdemeanor and
7 shall on conviction thereof be subject to imprisonment for
8 not more than one year, or a fine of not more than \$5,000,
9 or both such imprisonment and fine; but if such violation is
10 committed after a conviction of such person under this
11 section has become final such person shall be subject to
12 imprisonment for not more than two years, or a fine of not
13 more than \$10,000, or both such imprisonment and fine.
14 When construing or enforcing the provisions of said sec-
15 tions, the act, omission, or failure of any person acting for
16 or employed by any individual, partnership, corporation, or
17 association within the scope of his employment or office
18 shall in every case be deemed the act, omission, or failure
19 of such individual, partnership, corporation, or association,
20 as well as of such person.

21 SEC. 13. Before any violation of this Act is reported
22 by the Secretary to any United States attorney for institu-
23 tion of a criminal proceeding, the person against whom
24 such proceeding is contemplated shall be given reasonable
25 notice of the alleged violation and opportunity to present

1 his views orally or in writing with regard to such con-
2 templated proceeding. Nothing in this Act shall be con-
3 strued as requiring the Secretary to report for criminal
4 prosecution or for the institution of injunction proceedings
5 violations of this Act whenever he believes that the public
6 interest will be adequately served and compliance with the
7 Act obtained by a suitable written notice or warning.

8 REGULATIONS

9 SEC. 14. The Secretary shall promulgate such rules and
10 regulations as are necessary to carry out the provisions of
11 this Act.

12 EXEMPTIONS

13 SEC. 15. (a) The Secretary is authorized, by regulation
14 and under such conditions as to sanitary standards, prac-
15 tices, and procedures as he may prescribe, to exempt from
16 specific provisions of this Act—

17 (1) poultry producers with respect to poultry of
18 their own raising on their own farms which they sell
19 directly to household consumers only: *Provided*, That
20 such poultry producers do not engage in buying or
21 selling poultry products other than those produced from
22 poultry raised on their own farms;

23 (2) retail dealers with respect to poultry products
24 sold directly to consumers in individual retail stores:

1 *Provided*, That the only processing operation per-
2 formed by such retail dealers is the cutting up of poultry
3 products on the premises in which such sales to con-
4 sumers are made.

5 (b) The Secretary may by order suspend or terminate
6 any exemption under this section with respect to any person
7 whenever he finds that such action will aid in effectuating
8 the purposes of this Act.

9 VIOLATIONS BY EXEMPTED PERSONS

10 SEC. 16. Any person who sells, delivers, transports, or
11 offers for sale or transportation in commerce or in a desig-
12 nated city or area any poultry products which are exempt
13 under section 15, and which are unwholesome and adulter-
14 ated and are intended for human consumption, shall be
15 guilty of a misdemeanor and shall on conviction thereof be
16 subject to the penalties set forth in section 12.

17 IMPORTS

18 SEC. 17. (a) No slaughtered poultry, or parts or
19 products thereof, of any kind shall be imported into the
20 United States unless they are healthful, wholesome, and fit
21 for human food and contain no dye, chemical, preservative,
22 or ingredient which renders them unhealthful, unwholesome,
23 or unfit for human food and unless they also comply with
24 the rules and regulations made by the Secretary of Agricul-

1 ture. All imported slaughtered poultry, or parts or products
2 thereof, shall after entry into the United States in compliance
3 with such rules and regulations be deemed and treated as
4 domestic slaughtered poultry, or parts or products thereof,
5 within the meaning and subject to the provisions of this Act
6 and the Federal Food, Drug, and Cosmetic Act, and Acts
7 amendatory of, supplemental to, or in substitution for such
8 Acts.

9 (b) The Secretary of Agriculture is authorized to make
10 rules and regulations to carry out the purposes of this section
11 and in such rules and regulations the Secretary of Agriculture
12 may prescribe the terms and conditions for the destruction of
13 all slaughtered poultry, or parts or products thereof, offered
14 for entry and refused admission into the United States unless
15 such slaughtered poultry, or parts or products thereof, be
16 exported by the consignee within the time fixed therefor in
17 such rules and regulations.

18 (c) All charges for storage, cartage, and labor with
19 respect to any product which is refused admission pursuant
20 to this section shall be paid by the owner or consignee, and
21 in default of such payment shall constitute a lien against any
22 other products imported thereafter by or for such owner or
23 consignee.

GENERAL PROVISIONS

SEC. 18. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of Government and with State agencies.

COST OF INSPECTION

SEC. 19. The cost of inspection rendered under the requirements of this Act shall be borne by the United States except the cost of overtime. The Secretary of Agriculture is authorized in his discretion to pay employees employed in establishments subject to the provisions of this Act for all overtime work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work.

APPROPRIATIONS

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

1

2 SEC. 21. If any provision of this Act or the application
3 thereof to any person or circumstances is held invalid, the
4 validity of the remainder of the Act and of the application
5 of such provision to other persons and circumstances shall
6 not be affected thereby.

7

DEFINITIONS

8 SEC. 22. For purposes of this Act—

9 (a) The term “commerce” means commerce between
10 any State, Territory, or possession, or the District of Co-
11 lumbia, and any place outside thereof; or between points
12 within the same State or the District of Columbia, but
13 through any place outside thereof; or within the District
14 of Columbia.

15 (b) The term “Secretary” means the Secretary of Agri-
16 culture.

17 (c) The term “person” means any individual, partner-
18 ship, corporation, association, or any other business unit.

19 (d) The term “poultry” means any live or slaughtered
20 domesticated or commercially produced game bird.

21 (e) The term “poultry product” means any poultry
22 which has been slaughtered for human food from which the
23 blood, feathers, feet, head, and viscera have been removed
24 in accordance with rules and regulations promulgated by
25 the Secretary, any edible part of poultry, or, unless exempted

1 by the Secretary, any human food product consisting of any
2 edible part of poultry separately or in combination with
3 other ingredients.

4 (f) The term "wholesome" means sound, healthful,
5 wholesome, and otherwise fit for human food.

6 (g) The term "unwholesome" means:

7 (1) Unsound, injurious to health, or otherwise rendered
8 unfit for human food.

9 (2) Consisting in whole or in part of any filthy, putrid,
10 or decomposed substance.

11 (3) Processed, prepared, packed, or held under unsani-
12 tary conditions whereby a poultry carcass or parts thereof or
13 any poultry product may have become contaminated with
14 filth or whereby a poultry product may have been rendered
15 injurious to health.

16 (4) Produced in whole or in part from diseased poultry
17 or from poultry which has died otherwise than by slaughter.

18 (5) Packaged in a container composed of any poison-
19 ous or deleterious substance which may render the contents
20 injurious to health.

21 (h) The term "adulterated" shall apply to poultry and
22 poultry products under one or more of the following cir-
23 cumstances:

24 (1) If they bear or contain any poisonous or deleterious
25 substance which may render them injurious to health; but,

1 in case the substance is not an added substance, such poultry
2 and poultry products shall not be considered adulterated
3 under this clause if the quantity of such substance in such
4 poultry and poultry products does not ordinarily render them
5 injurious to health.

6 (2) If they bear or contain any added poisonous or
7 added deleterious substance, unless such substance is per-
8 mitted in their production or unavoidable under good manu-
9 facturing practices as may be determined by rules and regu-
10 lations hereunder prescribed by the Secretary or other pro-
11 visions of Federal law limiting or tolerating the quantity
12 of such added substance on or in such poultry and poultry
13 products: *Provided*, That any quantity of such added sub-
14 stance exceeding the limits so fixed shall also be deemed to
15 constitute adulteration.

16 (3) If any substance has been substituted, wholly or in
17 part, therefor.

18 (4) If damage or inferiority has been concealed in any
19 manner.

20 (i) The term "inspector" means any employee of the
21 Federal Government authorized by the Secretary of Agri-
22 culture to inspect poultry and poultry products under the
23 authority of this Act.

24 (j) The term "official inspection mark" means the sym-

1 bol, formulated pursuant to rules and regulations prescribed
2 by the Secretary, stating that the product was inspected.

3 (k) The term "inspection service" means the official
4 Government service within the Agricultural Research Serv-
5 ice, Department of Agriculture, having the responsibility
6 for the inspection for wholesomeness of poultry and poultry
7 products, and for carrying out the provisions of this Act.

8 (l) The terms "container" or "package" include any
9 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
10 or cover.

11 (m) The term "official establishment" means any estab-
12 lishment as determined by the Secretary at which inspection
13 of the slaughter of poultry, or the processing of poultry prod-
14 ucts, is maintained under the authority of this Act.

15 (n) The term "label" means any written, printed, or
16 graphic material upon the shipping container or upon the
17 individual consumer package, if any, of the poultry product,
18 or accompanying such product.

19 EFFECTIVE DATE

20 SEC. 23. This Act shall take effect upon enactment:
21 *Provided*, That no person shall be subject to the provisions
22 of this Act prior to July 1, 1958, unless such person applies
23 for and receives inspection for poultry or poultry products in
24 accordance with the provisions of this Act and pursuant to

1 regulations promulgated by the Secretary hereunder, in any
2 establishment processing poultry or poultry products in com-
3 merce or in a designated city or area. Any person who volun-
4 tarily applies for and receives such inspection prior to July 1,
5 1958, shall be subject, on and after the date he commences
6 to receive such inspection, to all of the provisions and
7 penalties provided for in this Act with respect to all poultry
8 or poultry products handled in the establishment for which
9 said application for inspection is made.

85TH CONGRESS
1ST SESSION

H. R. 5398

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mrs. SULLIVAN

FEBRUARY 27, 1957

Referred to the Committee on Agriculture

85TH CONGRESS
1ST SESSION

H. R. 5403

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1957

Mr. ANFUSO introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products Inspec-
4 tion Act".

5 LEGISLATIVE FINDING

6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-

1 wholesome poultry products in the channels of interstate
2 or foreign commerce are injurious to the public welfare,
3 adversely affect the marketing of wholesome poultry prod-
4 ucts, result in sundry losses to producers, and destroy
5 markets for wholesome poultry products. The marketing
6 of wholesome poultry products is affected with the public
7 interest and directly affects the welfare of the people. All
8 poultry and poultry products which have or are required to
9 have inspection under this Act are either in the current of
10 interstate or foreign commerce or directly affect such com-
11 merce. That part that enters directly into the current
12 of interstate or foreign commerce cannot be effectively in-
13 spected and regulated without also inspecting and regulat-
14 ing all poultry and poultry products processed or handled
15 in the same establishment.

16 The great volume of poultry products required as an
17 article of food for the inhabitants of large centers of popu-
18 lation directly affects the movement of poultry and poultry
19 products in interstate commerce. To protect interstate com-
20 merce in poultry and poultry products inspected for whole-
21 someness, from being adversely burdened, obstructed, or
22 affected by uninspected poultry or poultry products, the
23 Secretary of Agriculture should hold public hearings to
24 ascertain from time to time and to designate cities or areas
25 where poultry or poultry products are handled or consumed

1 in such volume as to affect the movement of inspected poultry
2 or poultry products in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to
7 prevent the movement in interstate or foreign commerce
8 or in a designated city or area of poultry products which are
9 unwholesome, adulterated or otherwise unfit for human food.

10 DESIGNATION

11 SEC. 4. The Secretary is authorized to ascertain from
12 time to time the cities or areas where poultry or poultry
13 products are handled or consumed in such volume as to affect,
14 burden, or obstruct the movement of inspected poultry prod-
15 ucts in commerce. Whenever, after public hearings, he
16 finds that the designation of such a city or area will tend to
17 effectuate the purposes of this Act, he shall by order desig-
18 nate such city or area: *Provided*, That the governing body
19 of such a city or area has consented to such designation.
20 Such designation shall not become effective until six months
21 after the notice thereof is published in the Federal Register.
22 On and after the effective date of such designation, all poultry
23 and poultry products processed, sold, received, or delivered
24 in any such designated city or area shall be subject to the
25 provisions of this Act.

INSPECTION

1
2 SEC. 5. (a) For the purpose of preventing the entry
3 into or flow or movement in commerce or in a designated
4 city or area of any poultry product which is unwholesome
5 or adulterated, the Secretary shall, whenever processing
6 operations are being conducted, cause to be made by in-
7 spectors ante mortem inspection in such manner as he deter-
8 mines necessary; post mortem inspection of the carcass of
9 each bird processed, and such quarantine, segregation and
10 reinspection as he determines necessary of poultry and
11 poultry products in each official establishment processing
12 such poultry or poultry products for commerce or in or for
13 marketing in a designated city or area. All poultry, car-
14 casses and parts thereof, and poultry products found to be
15 unwholesome or adulterated shall be condemned and shall,
16 if no appeal be taken from such determination of condemna-
17 tion, be destroyed for human food purposes under the super-
18 vision of an inspector. If an appeal be taken from such
19 determination, the product shall be appropriately marked
20 and segregated pending completion of an appeal inspection,
21 which appeal shall be at the cost of the appellant if the Secre-
22 tary determines that the appeal is frivolous. If the deter-
23 mination of condemnation is sustained the product shall be
24 destroyed for human food purposes under the supervision of
25 an inspector.

1 (b) The Secretary shall refuse to render inspection to
2 any establishment whose premises, facilities, or equipment,
3 or the operation thereof, fail to meet the requirements of
4 section 6 of this Act.

5 SANITATION, FACILITIES, AND PRACTICES

6 SEC. 6. Each official establishment slaughtering poultry
7 or processing poultry products for commerce or in or for
8 marketing in a designated city or area shall have such
9 premises, facilities and equipment, and be operated in accord-
10 ance with such sanitary practices, as are required and ap-
11 proved by the Secretary for the purpose of preventing the
12 entry into or flow or movement in commerce or in a desig-
13 nated city or area, of poultry products which are unwhole-
14 some or adulterated.

15 LABELING

16 SEC. 7. (a) Each shipping container of any poultry
17 product inspected under the authority of this Act and found
18 to be wholesome, shall at the time such product leaves the
19 official establishment bear, in distinctly legible form, the
20 official inspection mark, the name of the product, an accurate
21 statement of the quantity of the contents in terms of weight,
22 measure, or numerical count, and the name and address or
23 an approved plant number of the official establishment in
24 which the contents were processed. Each individual con-
25 sumer package, if any, of any poultry product inspected

1 under the authority of this Act and found to be wholesome
2 shall bear, in addition to the official inspection mark, in
3 distinctly legible form, the name of the product, a statement
4 of ingredients if fabricated from two or more ingredients,
5 the net weight or other appropriate measure of the con-
6 tents, and the name and address or approved plant number
7 of the official establishment in which the contents were
8 processed: *Provided*, That the name and address of the
9 distributor may be used if the approved plant number is
10 used to identify the official establishment in which the poultry
11 product was prepared and packed.

12 (b) The use of any written, printed, or graphic matter
13 upon or accompanying any poultry product inspected or re-
14 quired to be inspected pursuant to the provisions of this Act
15 or the container thereof which is false or misleading in any
16 particular is prohibited. No poultry products inspected or
17 required to be inspected pursuant to the provisions of this
18 Act shall be sold or offered for sale by any person, firm, or
19 corporation under any false or deceptive name; but estab-
20 lished trade name or names which are usual to such products
21 and which are not false and deceptive and which shall be
22 approved by the Secretary are permitted. If the Secretary
23 has reason to believe that any label in use or prepared for use
24 is false or misleading in any particular, he may direct that
25 the use of the label be withheld unless it is modified in such

1 manner as the Secretary may prescribe so that it will not be
2 false or misleading. If the person using or proposing to use
3 the label does not accept the determination of the Secretary,
4 he may request a hearing, but the use of the label shall, if
5 the Secretary so directs, be withheld pending hearing and
6 final determination by the Secretary. Any such determina-
7 tion by the Secretary shall be conclusive unless within thirty
8 days after the receipt of notice of such final determination
9 the person adversely affected thereby appeals to the United
10 States court of appeals for the circuit in which he has his
11 principal place of business or to the United States Court of
12 Appeals for the District of Columbia Circuit. The provisions
13 of section 204 of the Packers and Stockyards Act of 1921,
14 as amended, shall be applicable to appeals taken under this
15 section.

16 PROHIBITED ACTS

17 SEC. 8. The following acts or the causing thereof are
18 hereby prohibited:

19 (a) The processing, sale, or offering for sale, trans-
20 portation or delivery or receiving for transportation, in com-
21 merce or in a designated city or area of any poultry product,
22 unless such poultry product has been inspected for whole-
23 someness and unless the shipping container and the indi-
24 vidual consumer package, if any, are marked in accordance
25 with the provisions of this Act.

1 (b) The sale or other disposition for human food of any
2 poultry or poultry product which has been inspected and
3 declared to be unwholesome or adulterated under this Act.

4 (c) Falsely making or issuing, altering, forging, simu-
5 lating or counterfeiting any official inspection certificate,
6 memorandum, mark, or other identification, or device for
7 making such mark or identification, used in connection with
8 the inspection of poultry or poultry products under this Act,
9 or causing, procuring, aiding, assisting in, or being a party
10 to, such false making, issuing, altering, forging, simulating,
11 or counterfeiting, or possessing, without promptly notifying
12 the Secretary of Agriculture or his representative, uttering,
13 publishing, or using as true, or causing to be uttered, pub-
14 lished, or used as true, any such falsely made or issued,
15 altered, forged, simulated, or counterfeited official inspection
16 certificate, memorandum, mark, or other identification, or
17 device for making such mark or identification, or representing
18 that any poultry or poultry product has been officially
19 inspected under the authority of this Act when such poultry
20 or poultry product has in fact not been so inspected.

21 (d) Using in commerce, or in a designated city or
22 area, a false or misleading label on any poultry product.

23 (e) The use of any container bearing an official in-
24 spection mark except for the poultry product in the original

1 form in which it was inspected and covered by said mark
2 unless the mark is removed, obliterated, or otherwise de-
3 stroyed.

4 (f) The refusal to permit access by any duly author-
5 ized representative of the Secretary, at all reasonable times,
6 to the premises of an establishment engaged in processing
7 poultry or poultry products for commerce, or in or for mar-
8 keting in a designated city or area, upon presentation of
9 appropriate credentials.

10 (g) The refusal to permit access to and the copying of
11 any record as authorized by section 10 of this Act.

12 (h) The using by any person to his own advantage, or
13 revealing, other than to the authorized representatives of the
14 Government in their official capacity, or to the courts when
15 relevant in any judicial proceeding under this Act, any in-
16 formation acquired under the authority of this Act, concern-
17 ing any matter which as a trade secret is entitled to protec-
18 tion.

19 (i) Delivering, receiving, transporting, selling, or offer-
20 ing for sale or transport any poultry slaughtered for human
21 food or any part thereof, separately or in combination with
22 other ingredients, other than poultry products as defined in
23 this Act, in commerce or in a designated city or area, except

1 that such poultry may be transported to foreign countries
2 pursuant to rules and regulations prescribed by the Secre-
3 tary.

4 SEC. 9. No establishment processing poultry or poultry
5 products for commerce or in or for marketing in a desig-
6 nated city or area shall process any poultry or poultry prod-
7 uct except in compliance with the requirements of this Act.

8 RECORDS OF INTERSTATE SHIPMENT

9 SEC. 10. For the purpose of enforcing the provisions of
10 this Act, persons engaged in the business of processing,
11 transporting, shipping, or receiving poultry slaughtered for
12 human consumption or poultry products in commerce or in
13 a designated city or area, or holding such products so re-
14 ceived, shall maintain records for a period of two years
15 following each transaction showing, to the extent that they
16 are concerned therewith, the receipt, delivery, sale, move-
17 ment, or disposition of poultry and poultry products and
18 shall, upon the request of a duly authorized representative
19 of the Secretary, permit him at reasonable times to have
20 access to and to copy all such records.

21 INJUNCTION PROCEEDINGS

22 SEC. 11. The district courts of the United States are
23 vested with jurisdiction specifically to enforce, and to pre-
24 vent and restrain violations of, this Act. The remedies pro-
25 vided for in this section shall be in addition to, and not ex-

1 clusive of, any of the remedies or penalties provided for
2 elsewhere in this Act or now or hereafter existing at law or
3 in equity.

4 PENALTIES

5 SEC. 12. Any person who violates the provisions of sec-
6 tion 8, 9, 10, or 17, shall be guilty of a misdemeanor and
7 shall on conviction thereof be subject to imprisonment for
8 not more than one year, or a fine of not more than \$5,000,
9 or both such imprisonment and fine; but if such violation is
10 committed after a conviction of such person under this
11 section has become final such person shall be subject to
12 imprisonment for not more than two years, or a fine of not
13 more than \$10,000, or both such imprisonment and fine.
14 When construing or enforcing the provisions of said sec-
15 tions, the act, omission, or failure of any person acting for
16 or employed by any individual, partnership, corporation, or
17 association within the scope of his employment or office
18 shall in every case be deemed the act, omission, or failure
19 of such individual, partnership, corporation, or association,
20 as well as of such person.

21 SEC. 13. Before any violation of this Act is reported
22 by the Secretary to any United States attorney for institu-
23 tion of a criminal proceeding, the person against whom
24 such proceeding is contemplated shall be given reasonable
25 notice of the alleged violation and opportunity to present

1 his views orally or in writing with regard to such con-
2 templated proceeding. Nothing in this Act shall be con-
3 strued as requiring the Secretary to report for criminal
4 prosecution or for the institution of injunction proceedings
5 violations of this Act whenever he believes that the public
6 interest will be adequately served and compliance with the
7 Act obtained by a suitable written notice or warning.

8 REGULATIONS

9 SEC. 14. The Secretary shall promulgate such rules and
10 regulations as are necessary to carry out the provisions of
11 this Act.

12 EXEMPTIONS

13 SEC. 15. (a) The Secretary is authorized, by regulation
14 and under such conditions as to sanitary standards, prac-
15 tices, and procedures as he may prescribe, to exempt from
16 specific provisions of this Act—

17 (1) poultry producers with respect to poultry of
18 their own raising on their own farms which they sell
19 directly to household consumers only: *Provided*, That
20 such poultry producers do not engage in buying or
21 selling poultry products other than those produced from
22 poultry raised on their own farms;

23 (2) retail dealers with respect to poultry products
24 sold directly to consumers in individual retail stores:

1 *Provided*, That the only processing operation per-
2 formed by such retail dealers is the cutting up of poultry
3 products on the premises in which such sales to con-
4 sumers are made.

5 (b) The Secretary may by order suspend or terminate
6 any exemption under this section with respect to any person
7 whenever he finds that such action will aid in effectuating
8 the purposes of this Act.

9 VIOLATIONS BY EXEMPTED PERSONS

10 SEC. 16. Any person who sells, delivers, transports, or
11 offers for sale or transportation in commerce or in a desig-
12 nated city or area any poultry products which are exempt
13 under section 15, and which are unwholesome and adulter-
14 ated and are intended for human consumption, shall be
15 guilty of a misdemeanor and shall on conviction thereof be
16 subject to the penalties set forth in section 12.

17 IMPORTS

18 SEC. 17. (a) No slaughtered poultry, or parts or
19 products thereof, of any kind shall be imported into the
20 United States unless they are healthful, wholesome, and fit
21 for human food and contain no dye, chemical, preservative,
22 or ingredient which renders them unhealthful, unwholesome,
23 or unfit for human food and unless they also comply with
24 the rules and regulations made by the Secretary of Agricul-

1 ture. All imported slaughtered poultry, or parts or products
2 thereof, shall after entry into the United States in compliance
3 with such rules and regulations be deemed and treated as
4 domestic slaughtered poultry, or parts or products thereof,
5 within the meaning and subject to the provisions of this Act
6 and the Federal Food, Drug, and Cosmetic Act, and Acts
7 amendatory of, supplemental to, or in substitution for such
8 Acts.

9 (b) The Secretary of Agriculture is authorized to make
10 rules and regulations to carry out the purposes of this section
11 and in such rules and regulations the Secretary of Agriculture
12 may prescribe the terms and conditions for the destruction of
13 all slaughtered poultry, or parts or products thereof, offered
14 for entry and refused admission into the United States unless
15 such slaughtered poultry, or parts or products thereof, be
16 exported by the consignee within the time fixed therefor in
17 such rules and regulations.

18 (c) All charges for storage, cartage, and labor with
19 respect to any product which is refused admission pursuant
20 to this section shall be paid by the owner or consignee, and
21 in default of such payment shall constitute a lien against any
22 other products imported thereafter by or for such owner or
23 consignee.

GENERAL PROVISIONS

SEC. 18. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of Government and with State agencies.

COST OF INSPECTION

SEC. 19. The cost of inspection rendered under the requirements of this Act shall be borne by the United States except the cost of overtime. The Secretary of Agriculture is authorized in his discretion to pay employees employed in establishments subject to the provisions of this Act for all overtime work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work.

APPROPRIATIONS

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

1 SEPARABILITY OF PROVISIONS

2 SEC. 21. If any provision of this Act or the application
3 thereof to any person or circumstances is held invalid, the
4 validity of the remainder of the Act and of the application
5 of such provision to other persons and circumstances shall
6 not be affected thereby.

7 DEFINITIONS

8 SEC. 22. For purposes of this Act—

9 (a) The term “commerce” means commerce between
10 any State, Territory, or possession, or the District of Co-
11 lumbia, and any place outside thereof; or between points
12 within the same State or the District of Columbia, but
13 through any place outside thereof; or within the District
14 of Columbia.

15 (b) The term “Secretary” means the Secretary of Agri-
16 culture.

17 (c) The term “person” means any individual, partner-
18 ship, corporation, association, or any other business unit.

19 (d) The term “poultry” means any live or slaughtered
20 domesticated or commercially produced game bird.

21 (e) The term “poultry product” means any poultry
22 which has been slaughtered for human food from which the
23 blood, feathers, feet, head, and viscera have been removed
24 in accordance with rules and regulations promulgated by
25 the Secretary, any edible part of poultry, or, unless exempted

1 by the Secretary, any human food product consisting of any
2 edible part of poultry separately or in combination with
3 other ingredients.

4 (f) The term "wholesome" means sound, healthful,
5 wholesome, and otherwise fit for human food.

6 (g) The term "unwholesome" means:

7 (1) Unsound, injurious to health, or otherwise rendered
8 unfit for human food.

9 (2) Consisting in whole or in part of any filthy, putrid,
10 or decomposed substance.

11 (3) Processed, prepared, packed, or held under unsani-
12 tary conditions whereby a poultry carcass or parts thereof or
13 any poultry product may have become contaminated with
14 filth or whereby a poultry product may have been rendered
15 injurious to health.

16 (4) Produced in whole or in part from diseased poultry
17 or from poultry which has died otherwise than by slaughter.

18 (5) Packaged in a container composed of any poison-
19 ous or deleterious substance which may render the contents
20 injurious to health.

21 (h) The term "adulterated" shall apply to poultry and
22 poultry products under one or more of the following cir-
23 cumstances:

24 (1) If they bear or contain any poisonous or deleterious
25 substance which may render them injurious to health; but,

1 in case the substance is not an added substance, such poultry
2 and poultry products shall not be considered adulterated
3 under this clause if the quantity of such substance in such
4 poultry and poultry products does not ordinarily render them
5 injurious to health.

6 (2) If they bear or contain any added poisonous or
7 added deleterious substance, unless such substance is per-
8 mitted in their production or unavoidable under good manu-
9 facturing practices as may be determined by rules and regu-
10 lations hereunder prescribed by the Secretary or other pro-
11 visions of Federal law limiting or tolerating the quantity
12 of such added substance on or in such poultry and poultry
13 products: *Provided*, That any quantity of such added sub-
14 stance exceeding the limits so fixed shall also be deemed to
15 constitute adulteration.

16 (3) If any substance has been substituted, wholly or in
17 part, therefor.

18 (4) If damage or inferiority has been concealed in any
19 manner.

20 (i) The term "inspector" means any employee of the
21 Federal Government authorized by the Secretary of Agri-
22 culture to inspect poultry and poultry products under the
23 authority of this Act.

24 (j) The term "official inspection mark" means the sym-

1 bol, formulated pursuant to rules and regulations prescribed
2 by the Secretary, stating that the product was inspected.

3 (k) The term "inspection service" means the official
4 Government service within the Agricultural Research Serv-
5 ice, Department of Agriculture, having the responsibility
6 for the inspection for wholesomeness of poultry and poultry
7 products, and for carrying out the provisions of this Act.

8 (l) The terms "container" or "package" include any
9 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
10 or cover.

11 (m) The term "official establishment" means any estab-
12 lishment as determined by the Secretary at which inspection
13 of the slaughter of poultry, or the processing of poultry prod-
14 ucts, is maintained under the authority of this Act.

15 (n) The term "label" means any written, printed, or
16 graphic material upon the shipping container or upon the
17 individual consumer package, if any, of the poultry product,
18 or accompanying such product.

19 EFFECTIVE DATE

20 SEC. 23. This Act shall take effect upon enactment:
21 *Provided*, That no person shall be subject to the provisions
22 of this Act prior to July 1, 1958, unless such person applies
23 for and receives inspection for poultry or poultry products in
24 accordance with the provisions of this Act and pursuant to

1 regulations promulgated by the Secretary hereunder, in any
2 establishment processing poultry or poultry products in com-
3 merce or in a designated city or area. Any person who volun-
4 tarily applies for and receives such inspection prior to July 1,
5 1958, shall be subject, on and after the date he commences
6 to receive such inspection, to all of the provisions and
7 penalties provided for in this Act with respect to all poultry
8 or poultry products handled in the establishment for which
9 said application for inspection is made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. ANFUSO

FEBRUARY 27, 1957

Referred to the Committee on Agriculture

H. R. 5463

IN THE HOUSE OF REPRESENTATIVES

January 18, 1900

A BILL

to provide for the collection and disposal of the United States Department of Agriculture's surplus and surplus products

Enacted by the Senate and House of Representatives

of the United States of America in Congress assembled

That this bill may be cited as the "Food and Fuel Act"

85TH CONGRESS
1ST SESSION

H. R. 5463

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1957

Mr. ELLIOTT introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

5 LEGISLATIVE FINDING

6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome and adulterated poultry products in the channels

1 of interstate or foreign commerce are injurious to the public
2 welfare, adversely affect the marketing of wholesome poultry
3 products, result in sundry losses to producers, and destroy
4 markets for wholesome poultry products. The marketing of
5 wholesome poultry products is affected with the public inter-
6 est and directly affects the welfare of the people. All poultry
7 and poultry products which have or are required to have
8 inspection under this Act are either in the current of inter-
9 state or foreign commerce or directly affect such commerce.
10 That part that enters directly into the current of interstate
11 or foreign commerce cannot be effectively inspected and
12 regulated without also inspecting and regulating all poultry
13 and poultry products processed or handled in the same
14 establishment.

15 The great volume of poultry products required as an
16 article of food for the inhabitants of large centers of popula-
17 tion may directly affect the movement of poultry and poul-
18 try products in interstate commerce. To protect interstate
19 commerce in poultry and poultry products inspected for
20 wholesomeness, from being adversely burdened, obstructed,
21 or affected by uninspected poultry or poultry products, the
22 Secretary of Agriculture upon request of the appropriate
23 authority should hold public hearings to ascertain from time
24 to time and to designate cities or areas where poultry or
25 poultry products are handled or consumed in such volume as

1 to affect the movement of inspected poultry or poultry prod-
2 ucts in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to pre-
7 vent the movement in interstate or foreign commerce or in a
8 designated major consuming area of poultry, products which
9 are unwholesome, adulterated, or otherwise unfit for human
10 food.

11 DEFINITIONS

12 SEC. 4. For purposes of this Act except where the con-
13 text indicates otherwise—

14 (a) The term “commerce” means commerce between
15 any point in any State, Territory, or possession, or the Dis-
16 trict of Columbia, and any place outside thereof; or between
17 points within the same State or the District of Columbia, but
18 through any place outside thereof; or within the District of
19 Columbia.

20 (b) The term “Secretary” means the Secretary of Ag-
21 riculture.

22 (c) The term “person” means any individual, partner-
23 ship, corporation, association, or any other business unit.

24 (d) The term “poultry” means any live or slaughtered
25 domesticated bird.

1 (e) The term "poultry product" means any poultry
2 which has been slaughtered for human food from which the
3 blood, feathers, feet, head and viscera have been removed in
4 accordance with rules and regulations promulgated by the
5 Secretary, any edible part of poultry, or unless exempted
6 by the Secretary, any human food product consisting of any
7 edible part of poultry separately or in combination with other
8 ingredients.

9 (f) The term "wholesome" means sound, healthful,
10 clean and otherwise fit for human food.

11 (g) The term "unwholesome" means:

12 (1) Unsound, injurious to health or otherwise rendered
13 unfit for human food.

14 (2) Consisting in whole or in part of an filthy, putrid,
15 or decomposed substance.

16 (3) Processed, prepared, packed, or held under un-
17 sanitary conditions whereby a poultry product may have
18 become contaminated with filth or whereby a poultry product
19 may have been rendered injurious to health.

20 (4) Produced in whole or in part from diseased poultry
21 or poultry which has died otherwise than by slaughter.

22 (5) Packaged in a container composed of any poisonous
23 or deleterious substance which may render the contents in-
24 jurious to health.

25 (h) The term "adulterated" shall apply to poultry

1 and poultry products under one or more of the following
2 circumstances:

3 (1) If they bear or contain any poisonous or deleterious
4 substance which may render them injurious to health; but,
5 in case the substance is not an added substance, such poultry
6 and poultry products shall not be considered adulterated
7 under this clause if the quantity of such substance in such
8 poultry and poultry products does not ordinarily render them
9 injurious to health.

10 (2) If they bear or contain any added poisonous or
11 added deleterious substance, unless such substance is per-
12 mitted in their production or unavoidable under good manu-
13 facturing practices as may be determined by rules and
14 regulations hereunder prescribed by the Secretary or other
15 provisions of Federal law limiting or tolerating the quantity
16 of such added substance on or in such poultry and poultry
17 products, but any quantity of such added substance exceeding
18 the limits so fixed shall also be deemed to constitute
19 adulteration.

20 (3) If any substance has been substituted, wholly or
21 in part, therefor.

22 (4) If damage or inferiority has been concealed in any
23 manner.

24 (5) If any valuable constituent has been in whole or in
25 part omitted or abstracted therefrom.

1 (6) If any substance has been added thereto or mixed
2 or packed therewith so as to increase its bulk or weight, or
3 reduce its quality or strength, or make it appear better or
4 of greater value than it is.

5 (i) The term "inspector" means any person authorized
6 by the Secretary of Agriculture to inspect poultry and
7 poultry products under the authority of this Act.

8 (j) The term "official inspection mark" means the
9 symbol, formulated pursuant to rules and regulations pre-
10 scribed by the Secretary, stating that the product was
11 inspected.

12 (k) The term "inspection service" means the official
13 Government service within the Department of Agriculture
14 having the responsibility for the inspection for wholesomeness
15 of poultry and poultry products, and for carrying out the
16 provisions of this Act.

17 (l) The terms "container" or "package" include any
18 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
19 or cover.

20 (m) The term "official establishment" means any
21 establishment as determined by the Secretary at which in-
22 spection of the slaughter of poultry, or the processing of
23 poultry products, is maintained under the authority of this
24 Act.

25 (n) The term "label" means any written, printed, or

1 graphic material upon the shipping container or upon the
2 individual consumer package, if any, of the poultry product,
3 or accompanying such product.

4 DESIGNATION

5 SEC. 5. The Secretary is authorized, upon application
6 of any appropriate State or local official or of any appro-
7 priate poultry industry group to ascertain through public
8 hearing whether the volume of poultry or poultry products
9 marketed in a major consuming area is such as to affect,
10 burden, or obstruct the movement of inspected poultry or
11 poultry products in commerce. If the Secretary finds after
12 such public hearing that the inspection of all poultry mar-
13 keted in such major consuming area will effectuate the pur-
14 poses of this Act, he shall by order designate and define
15 such major consuming area. Such designation shall not
16 become effective until six months after notice thereof is
17 published in the Federal Register. On and after the effec-
18 tive date of such designation, all poultry and poultry prod-
19 ucts processed, sold, received, or delivered in any such
20 designated major consuming area shall be subject to the
21 provisions of this Act, except that the Secretary may grant
22 such exemptions therefrom as he determines practicable.

23 INSPECTION, REINSPECTION, AND QUARANTINE

24 SEC. 6. (a) For the purpose of preventing the entry
25 into or flow or movement in commerce or in a designated

1 major consuming area of any poultry product which is un-
2 wholesome or adulterated, the Secretary shall, whenever
3 processing operations are being conducted, make such exami-
4 nation, inspection (ante mortem, post mortem, or both) as
5 he determines necessary of poultry and poultry products in
6 any official establishment processing such poultry or poultry
7 products for commerce or in, or for marketing in a designated
8 major consuming area. All carcasses and parts thereof and
9 poultry products found to be unwholesome or adulterated
10 shall be condemned and shall, if no appeal be taken from
11 such determination of condemnation, be destroyed for human
12 food purposes under the supervision of an inspector. If an
13 appeal be taken from such determination, the product shall
14 be appropriately marked and segregated pending completion
15 of an appeal inspection, which appeal shall be at the cost
16 of the appellant if the Secretary determines that the appeal
17 is frivolous. If the determination of condemnation is sus-
18 tained, the product shall be destroyed for human food pur-
19 poses under the supervision of an inspector.

20 (b) Under rules and regulations prescribed by the Sec-
21 retary, there shall be reinspection of carcasses and parts
22 thereof at official establishments as often as may be deemed
23 necessary to insure fitness of poultry products for human
24 consumption. The condemnation and destruction procedures
25 prescribed hereunder shall be applicable if necessary, upon

1 such reinspection, notwithstanding that such poultry prod-
2 ucts had been passed and certified in the previous inspection.

3 (c) Under rules and regulations prescribed by the Sec-
4 retary, inspectors shall have authority to direct such quaran-
5 tine or segregation of uninspected, suspect, or condemned
6 live poultry or carcasses or parts thereof at official establish-
7 ments as will prevent contamination of poultry and poultry
8 products which may be certified for human consumption.

9 SANITATION, FACILITIES, AND PRACTICES

10 SEC. 7. (a) Each official establishment slaughtering
11 poultry or processing poultry products for commerce or in
12 or for marketing in a designated major consuming area shall
13 have such premises, facilities and equipment, and be operated
14 in accordance with such sanitary practices, as are required
15 by regulations promulgated by the Secretary for the purpose
16 of preventing the entry into or flow or movement in com-
17 merce or in a designated major consuming area, of poultry
18 products which are unwholesome, adulterated, or otherwise
19 unfit for human food.

20 (b) The Secretary shall refuse to render inspection to
21 any establishment whose premises, facilities, or equipment,
22 or the operation thereof, fail to meet the requirements of this
23 section.

LABELING

1
2 SEC. 8. (a) Each shipping container of any poultry
3 product inspected under the authority of this Act and found
4 to be wholesome and not adulterated, shall at the time such
5 product leaves the official establishment bear, in distinctly
6 legible form, the official inspection mark, the name of the
7 product, an accurate statement of the quantity of the con-
8 tents in terms of weight, measure or numerical count, the
9 name and address of the processor and the approved plant
10 number of the official establishment in which the contents
11 were processed. Each individual consumer package, if any,
12 of any poultry product inspected under the authority of this
13 Act and found to be wholesome and not adulterated shall
14 at the time such product leaves the official establishment
15 bear, in addition to the official inspection mark, in distinctly
16 legible form, the name of the product, a statement of ingredi-
17 ents if fabricated from two or more ingredients, the net
18 weight or other appropriate measure of the contents, the
19 name and address of the processor and the approved plant
20 number of the official establishment in which the contents
21 were processed. The name and address of the distributor
22 may be used in lieu of the name and address of the processor
23 if the approved plant number is used to identify the official
24 establishment in which the poultry product was prepared
25 and packed. The Secretary may permit reasonable varia-

1 tions and grant exemptions from the foregoing labeling re-
2 quirements in any manner not in conflict with the Federal
3 Food, Drug, and Cosmetic Act.

4 (b) The use of any written, printed or graphic matter
5 upon or accompanying any poultry product inspected or
6 required to be inspected pursuant to the provisions of this Act
7 or the container thereof which is false or misleading in any
8 particular is prohibited. No poultry products inspected or
9 required to be inspected pursuant to the provisions of this
10 Act shall be sold or offered for sale by any person, firm, or
11 corporation under any false or deceptive name; but estab-
12 lished trade name or names which are usual to such products
13 and which are not false and deceptive and which shall be
14 approved by the Secretary are permitted. If the Secretary
15 has reason to believe that any label in use or prepared for
16 use is false or misleading in any particular, he may direct
17 that the use of the label be withheld unless it is modified in
18 such manner as the Secretary may prescribe so that it will
19 not be false or misleading. If the person using or proposing
20 to use the label does not accept the determination of the
21 Secretary, he may request a hearing, but the use of the
22 label shall, if the Secretary so directs, be withheld pending
23 hearing and final determination by the Secretary. Any such
24 determination by the Secretary shall be conclusive unless
25 within thirty days after the receipt of notice of such final

determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 9. The following acts or the causing thereof are hereby prohibited:

(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area, of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container and the individual consumer package, if any, are marked in accordance with the provisions of this Act.

(b) The sale or other disposition for human food of any poultry or poultry products, which has been inspected and declared to be unwholesome or adulterated under this Act.

(c) Knowingly and falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, used in con-

1 nection with the inspection of poultry or poultry products
2 under this Act, or knowingly causing, procuring, aiding,
3 assisting in, or being a party to, such false making, issuing,
4 altering, forging, simulating, or counterfeiting, or knowingly
5 possessing, without promptly notifying the Secretary of Agri-
6 culture or his representative, uttering, publishing, or using
7 as true, or causing to be uttered, published, or used as true,
8 any such falsely made or issued, altered, forged, simulated, or
9 counterfeited official inspection certificate, memorandum,
10 mark or other identification, or device for making such mark
11 or identification, or knowingly representing that any poultry
12 or poultry product has been officially inspected under the
13 authority of this Act when such poultry or poultry product
14 has in fact not been so inspected.

15 (d) Knowingly using in commerce, or in a designated
16 major consuming area, a false or misleading label on any
17 poultry product.

18 (e) The use of any container bearing an official in-
19 spection mark except for the poultry product in the original
20 form in which it was inspected and covered by said mark
21 unless the mark is removed, obliterated, or otherwise de-
22 stroyed.

23 (f) The refusal to permit access by any duly authorized
24 representative of the Secretary, at all reasonable times, to

1 the premises of an establishment engaged in processing
2 poultry or poultry products for commerce, or in or for
3 marketing in a designated major consuming area, upon
4 presentation of appropriate credentials.

5 (g) The refusal to permit access to and the copying
6 of any record as authorized by section 11 of this Act.

7 (h) The using by any person to his own advantage, or
8 revealing, other than to the authorized representatives of
9 the Government in their official capacity, or to the courts
10 when relevant in any judicial proceeding under this Act,
11 any information acquired under the authority of this Act,
12 concerning any matter which as a trade secret is entitled
13 to protection.

14 (i) Delivering, receiving, transporting, selling, or offer-
15 ing for sale or transport any poultry slaughtered for human
16 food or any part thereof, separately or in combination with
17 other ingredients (other than poultry products as defined in
18 this Act), in commerce or in a designated major consuming
19 area, except that such poultry may be permitted to be
20 transported between official establishments and the foreign
21 countries pursuant to rules and regulations prescribed by the
22 Secretary.

23 SEC. 10. No establishment processing poultry or poultry
24 products for commerce or in or for marketing in a designated
25 major consuming area shall process any poultry or poultry

1 product except in compliance with the requirements of this
2 Act.

3 RECORDS OF INTERSTATE SHIPMENT

4 SEC. 11. For the purpose of enforcing the provisions of
5 this Act, persons engaged in the business of processing trans-
6 porting, shipping, or receiving poultry slaughtered for
7 human consumption or poultry products in commerce or in
8 a designated major consuming area, or holding such products
9 so received shall not be required to maintain records for a
10 period of more than two years, showing, to the extent that
11 they are concerned therewith, the receipt, delivery, sale,
12 movement, or disposition of poultry and poultry products
13 and shall, upon the request of a duly authorized representa-
14 tive of the Secretary, permit him at reasonable times to have
15 access to and to copy all such records.

16 INJUNCTION PROCEEDINGS

17 SEC. 12. The district courts of the United States are
18 vested with jurisdiction specifically to enforce, and to pre-
19 vent and restrain violations of this Act. The remedies
20 provided for in this section shall be in addition to, and not
21 exclusive of, any of the remedies or penalties provided for
22 elsewhere in this Act or now or hereafter existing at law or
23 in equity.

24 PENALTIES

25 SEC. 13. (a) Any person who knowingly violates the

1 provisions of section 9, 10, 11, or 18, shall be guilty of a
2 misdemeanor and shall on conviction thereof be subject to
3 imprisonment for not more than one year, or a fine of not
4 more than \$5,000, or both such imprisonment and fine; but
5 if such violation is committed after a conviction of such
6 person under this section has become final such person shall
7 be subject to imprisonment for not more than two years, or
8 a fine of not more than \$10,000, or both such imprisonment
9 and fine.

10 (b) No carrier shall be subject to the penalties of this
11 Act, other than the penalties for violation of section 11, by
12 reason of his receipt, carriage, holding, or delivery, in the
13 usual course of business as a carrier, of slaughtered poultry
14 or poultry products, owned by another person unless the car-
15 rier has knowledge, or is in possession of facts which would
16 cause a reasonable person to believe that such slaughtered
17 poultry or poultry products were not inspected or marked
18 in accordance with the provisions of this Act or were not
19 otherwise eligible for transportation under this Act.

20 (c) In construing or enforcing the provisions of sec-
21 tions 9, 10, 11, and 18, the act, omission, or failure of any
22 person acting for or employed by any individual, partnership,
23 corporation, or association within the scope of his employ-
24 ment or office shall in every case be deemed the act, omis-

1 sion, or failure of such individual, partnership, corporation,
2 or association, as well as of such person.

3 SEC. 14. Before any violation of this Act is reported by
4 the Secretary to any United States attorney for institution
5 of a criminal proceeding, the person against whom such pro-
6 ceeding is contemplated shall be given reasonable notice of
7 the alleged violation and opportunity to present his views
8 orally or in writing with regard to such contemplated pro-
9 ceeding. Nothing in this Act shall be construed as requiring
10 the Secretary to report for criminal prosecution or for the
11 institution of injunction proceedings of minor violations of
12 this Act whenever he believes that the public interest will be
13 adequately served and compliance with the Act obtained by
14 a suitable written notice or warning.

15 REGULATIONS

16 SEC. 15. The Secretary shall promulgate such rules and
17 regulations as are necessary to carry out the provisions of
18 this Act.

19 EXEMPTIONS

20 SEC. 16. (a) The Secretary is authorized, by regula-
21 tion and under such conditions as to sanitary standards,
22 practices, and procedures as he may prescribe, to exempt
23 from specific provisions of this Act—

24 (1) poultry producers with respect to poultry of

1 their own raising on their own farms which they sell
2 directly to household consumers only, if such poultry
3 producers do not engage in the buying or selling of
4 poultry products other than those produced from poultry
5 raised on their own farms;

6 (2) retail dealers with respect to poultry products
7 sold directly to consumers in individual retail stores,
8 if the only processing operation performed by such retail
9 dealers is the cutting up of poultry products on the
10 premises where such sales to consumers are made.

11 (b) The Secretary may by order suspend or terminate
12 any exemption under this section with respect to any person
13 whenever he finds that such action will aid in effectuating
14 the purposes of this Act.

15 VIOLATIONS BY EXEMPTED PERSONS

16 SEC. 17. Any person who sells, delivers, transports or
17 offers for sale or transportation in commerce or in a desig-
18 nated major consuming area any poultry products which are
19 exempt under section 16, knowing that such products are
20 unwholesome or adulterated, shall be guilty of a misde-
21 meanor and shall on conviction thereof be subject to the
22 penalties set forth in section 13.

23 IMPORTS

24 SEC. 18. (a) No slaughtered poultry, or parts or prod-
25 ucts thereof, of any kind shall be imported into the United

1 States unless they are healthful, wholesome, fit for human
2 food and not adulterated and contain no dye, chemical,
3 preservative, or ingredient which renders them unhealthy,
4 unwholesome, adulterated, or unfit for human food and
5 unless they also comply with the rules and regulations made
6 by the Secretary of Agriculture to assure that imported
7 poultry or poultry products comply with the standards pro-
8 vided for in this Act. All imported slaughtered poultry,
9 or parts or products thereof, shall after entry into the United
10 States in compliance with such rules and regulations be
11 deemed and treated as domestic slaughtered poultry, or parts
12 or products thereof, within the meaning and subject to the
13 provisions of this Act and the Federal Food, Drug, and
14 Cosmetic Act, and Acts amendatory of, supplemental to, or
15 in substitution for such Acts.

16 (b) The Secretary of Agriculture is authorized to make
17 rules and regulations to carry out the purposes of this section
18 and in such rules and regulations the Secretary of Agriculture
19 may prescribe the terms and conditions for the destruction
20 of all slaughtered poultry, or parts or products thereof,
21 offered for entry and refused admission into the United States
22 unless such slaughtered poultry, or parts or products thereof,
23 be exported by the consignee within the time fixed therefor
24 in such rules and regulations.

25 (c) All charges for storage, cartage, and labor with re-

1 spect to any product which is refused admission pursuant to
2 this section shall be paid by the owner or consignee, and in
3 default of such payment shall constitute a lien against any
4 other products imported thereafter by or for such owner or
5 consignee.

6 GENERAL PROVISIONS

7 SEC. 19. (a) Poultry and poultry products shall be
8 exempt from the provisions of the Federal Food, Drug, and
9 Cosmetic Act, as amended, to the extent of the application
10 or the extension thereto of the provisions of this Act.

11 (b) In carrying out the provisions of this Act, the
12 Secretary may cooperate with other branches of government
13 and with State agencies and may conduct such examinations,
14 investigations and inspections as he determines practicable
15 through any officer or employee of a State commissioned
16 by the Secretary for such purpose.

17 COST OF INSPECTION

18 SEC. 20. The cost of inspection rendered under the re-
19 quirements of this Act shall be borne by the United States,
20 except the cost of overtime work performed at the processor's
21 request. The Secretary is authorized in his discretion to pay
22 inspectors employed in establishments subject to the pro-
23 visions of this Act for all overtime work performed at such
24 establishments at such rates as he may determine, and to
25 accept from such establishments wherein such overtime work

1 is performed reimbursement for any sums paid out by him
2 for such overtime work, such reimbursement to be available
3 without fiscal-year limitation to carry out the purposes of this
4 section.

5 APPROPRIATIONS

6 SEC. 21. There is hereby authorized to be appropriated
7 such sums as are necessary to carry out the provisions of this
8 Act.

9 SEPARABILITY OF PROVISIONS

10 SEC. 22. If any provision of this Act or the application
11 thereof to any person or circumstances is held invalid, the
12 validity of the remainder of the Act and of the application
13 of such provision to other persons and circumstances shall
14 not be affected thereby.

15 EFFECTIVE DATE

16 SEC. 23. This Act shall take effect January 1, 1958,
17 except that no person shall be subject to the provisions of
18 this Act prior to July 1, 1958, unless such person applies
19 for and receives inspection for poultry or poultry products
20 in accordance with the provisions of this Act and pursuant
21 to regulations promulgated by the Secretary hereunder, in
22 any establishment processing poultry or poultry products in
23 commerce or in a designated major consuming area. Any
24 person who voluntarily applies for and receives such inspec-
25 tion prior to July 1, 1958, shall be subject, on and after the

- 1 date he commences to receive such inspection, to all of the
- 2 provisions and penalties provided for in this Act with respect
- 3 to all poultry or poultry products handled in the establish-
- 4 ment for which said application for inspection is made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. ELLIOTT

FEBRUARY 28, 1957

Referred to the Committee on Agriculture

A BILL

For the purpose of amending the provisions of the
Act relating to the registration of land
and the transfer of land

Enacted by the
Legislature of the State of New York

Chapter 100

As amended by Chapter 100 of the Laws of 1911

85TH CONGRESS
1ST SESSION

H. R. 5489

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1957

Mr. POLK introduced the following bill; which was referred to the Committee on Agriculture

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LEGISLATIVE FINDING

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7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation, and substantial quan-
9 tities thereof move in interstate and foreign commerce. Un-
10 wholesome poultry products in the channels of interstate or
11 foreign commerce are injurious to the public welfare, ad-

1 versely affect the marketing of wholesome poultry products,
2 result in sundry losses to producers, and destroy markets for
3 wholesome poultry products. The marketing of wholesome
4 poultry products is affected with the public interest and di-
5 rectly affects the welfare of the people. All poultry and
6 poultry products which have or are required to have inspec-
7 tion under this Act are either in the current of interstate
8 or foreign commerce or directly affect such commerce. That
9 part that enters directly into the current of interstate or for-
10 eign commerce cannot be effectively inspected and regulated
11 without also inspecting and regulating all poultry and poultry
12 products processed or handled in the same establishment.

13 The great volume of poultry products required as an ar-
14 ticle of food for the inhabitants of large centers of popula-
15 tion directly affects the movement of poultry and poultry
16 products in interstate commerce. To protect interstate com-
17 merce in poultry and poultry products inspected for whole-
18 someness, from being adversely burdened, obstructed, or af-
19 fected by uninspected poultry or poultry products, the Sec-
20 retary of Agriculture is authorized after public hearings to
21 ascertain from time to time and to designate cities or areas
22 where poultry or poultry products are handled or consumed
23 in such volume as to affect the movement of inspected poul-
24 try or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated city or area of poultry products which are unwholesome, adulterated or otherwise unfit for human food.

DESIGNATION

SEC. 4. The Secretary is authorized to ascertain from time to time the cities or areas where poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce. Whenever, after public hearing, he finds that the designation of such a city or area will tend to effectuate the purposes of this Act, he shall by order designate such city or area: *Provided*, That the governing body of such a city or area has consented to such designation. Such designation shall not become effective until six months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such designated city or area shall be subject to the provisions of this Act.

2 SEC. 5. (a) For the purpose of preventing the entry
3 into or flow or movement in commerce or in a designated
4 city or area of any poultry product which is unwholesome
5 or adulterated, the Secretary shall, whenever processing
6 operations are being conducted, cause to be made by in-
7 spectors ante mortem inspection in such manner as he deter-
8 mines necessary; post mortem inspection of the carcass of
9 each bird processed, and such quarantine, segregation, and
10 reinspection as he determines necessary of poultry and
11 poultry products in each official establishment processing
12 such poultry or poultry products for commerce or in, or for
13 marketing in a designated city or area. All poultry, car-
14 casses, and parts thereof, and poultry products found to be
15 unwholesome or adulterated shall be condemned and shall
16 be condemned and shall, if no appeal be taken from such
17 determination of condemnation, be destroyed for human
18 food purposes under the supervision of an inspector. If an
19 appeal be taken from such determination, the product shall
20 be appropriately marked and segregated pending completion
21 of an appeal inspection, which appeal shall be at the cost of
22 the appellant if the Secretary determines that the appeal is
23 frivolous. If the determination of condemnation is sustained
24 the product shall be destroyed for human food purposes under
25 the supervision of an inspector.

1 (b) The Secretary shall refuse to render inspection to
2 any establishment whose premises, facilities, or equipment,
3 or the operation thereof, fail to meet the requirements of
4 section 6 of this Act.

5 SANITATION, FACILITIES AND PRACTICES

6 SEC. 6. Each official establishment slaughtering poultry
7 or processing poultry products for commerce or in or for
8 marketing in a designated city or area shall have such
9 premises, facilities, and equipment, and be operated in ac-
10 cordance with such sanitary practices, as are required and
11 approved by the Secretary for the purpose of preventing
12 the entry into or flow or movement in commerce or in a
13 designated city or area, of poultry products which are un-
14 wholesome or adulterated.

15 LABELING

16 SEC. 7. (a) Each shipping container of any poultry
17 product inspected under the authority of this Act and found
18 to be wholesome, shall at the time such product leaves the
19 official establishment bear, in distinctly legible form, the
20 official inspection mark, the name of the product, an accurate
21 statement of the quantity of the contents in terms of weight,
22 measure, or numerical count, and the name and address or
23 an approved plant number of the official establishment in
24 which the contents were processed. Each individual con-
25 sumer package, if any, of any poultry product inspected

1 under the authority of this Act and found to be wholesome
2 shall bear, in addition to the official inspection mark, in
3 distinctly legible form, the name of the product, a statement
4 of ingredients if fabricated from two or more ingredients,
5 the net weight or other appropriate measure of the contents,
6 and the name and address or approved plant number of the
7 official establishment in which the contents were processed:
8 *Provided*, That the name and address of the distributor may
9 be used if the approved plant number is used to identify
10 the official establishment in which the poultry product was
11 prepared and packed.

12 (b) The use of any written, printed or graphic matter
13 upon or accompanying any poultry product inspected or re-
14 quired to be inspected pursuant to the provisions of this
15 Act or the container thereof which is false or misleading in
16 any particular is prohibited. No poultry products inspected
17 or required to be inspected pursuant to the provisions of this
18 Act shall be sold or offered for sale by any person, firm, or
19 corporation under any false or deceptive name; but estab-
20 lished trade name or names which are usual to such products
21 and which are not false and deceptive and which shall be
22 approved by the Secretary are permitted. If the Secretary
23 has reason to believe that any label in use or prepared for
24 use is false or misleading in any particular, he may direct
25 that the use of the label be withheld unless it is modified in

1 such manner as the Secretary may prescribe so that it will
2 not be false or misleading. If the person using or proposing
3 to use the label does not accept the determination of the
4 Secretary, he may request a hearing, but the use of the label
5 shall, if the Secretary so directs, be withheld pending hearing
6 and final determination by the Secretary. Any such deter-
7 mination by the Secretary, shall be conclusive unless within
8 thirty days after the receipt of notice of such final determi-
9 nation the person adversely affected thereby appeals to the
10 United States court of appeals for the circuit in which he has
11 his principal place of business or to the United States Court
12 of Appeals for the District of Columbia Circuit. The provi-
13 sions of section 204 of the Packers and Stockyards Act of
14 1921, as amended, shall be applicable to appeals taken under
15 this section.

16 PROHIBITED ACTS

17 SEC. 8. The following acts or the causing thereof are
18 hereby prohibited:

19 (a) The processing, sale or offering for sale, transpor-
20 tation, or delivery or receiving for transportation, in com-
21 merce or in a designated city or area of any poultry product,
22 unless such poultry product has been inspected for whole-
23 someness and unless the shipping container and the indi-
24 vidual consumer package, if any, are marked in accordance
25 with the provisions of this Act.

1 (b) The sale or other disposition for human food of
2 any poultry or poultry product which has been inspected
3 and declared to be unwholesome or adulterated under this
4 Act.

5 (c) Falsely making or issuing, altering, forging, simu-
6 lating, or counterfeiting any official inspection certificate,
7 memorandum, mark, or other identification or device for
8 making such mark or identification used in connection with
9 the inspection of poultry or poultry products under this
10 Act, or causing, procuring, aiding, assisting in, or being a
11 party to, such false making, issuing, altering, forging, simu-
12 lating, or counterfeiting, or possessing, without promptly
13 notifying the Secretary of Agriculture or his representative,
14 uttering, publishing, or using as true, or causing to be uttered,
15 published, or used as true any such falsely made or issued,
16 altered, forged, simulated, or counterfeited official inspection
17 certificate, memorandum, mark, or other identification, or
18 device for making such mark or identification, or represent-
19 ing that any poultry or poultry product has been officially
20 inspected under the authority of this Act when such poultry
21 or poultry product has in fact not been so inspected.

22 (d) Using in commerce, or in a designated city or area,
23 a false or misleading label on any poultry product.

24 (e) The use of any container bearing an official in-
25 spection mark except for the poultry product in the original

1 form in which it was inspected and covered by said mark
2 unless the mark is removed, obliterated, or otherwise
3 destroyed.

4 (f) The refusal to permit access by any duly authorized
5 representative of the Secretary, at all reasonable times, to
6 the premises of an establishment engaged in processing
7 poultry or poultry products for commerce, or in or for mar-
8 keting in a designated city or area, upon presentation of
9 appropriate credentials.

10 (g) The refusal to permit access to and the copying
11 of any record as authorized by section 10 of this Act.

12 (h) The using by any person to his own advantage, or
13 revealing, other than to the authorized representatives of
14 the Government in their official capacity, or to the courts
15 when relevant in any judicial proceeding under this Act, any
16 information acquired under the authority of this Act, con-
17 cerning any matter which as a trade secret is entitled to
18 protection.

19 (i) Delivering, receiving, transporting, selling, or offer-
20 ing for sale or transport any poultry slaughtered for human
21 food or any part thereof, separately or in combination with
22 other ingredients, other than poultry products as defined in
23 this Act, in commerce or in a designated city or area, except
24 that such poultry may be transported to foreign countries

1 pursuant to rules and regulations prescribed by the Sec-
2 retary.

3 SEC. 9. No establishment processing poultry or poultry
4 products for commerce or in or for marketing in a desig-
5 nated city or area shall process any poultry or poultry prod-
6 uct except in compliance with the requirements of this Act.

7 RECORDS OF INTERSTATE SHIPMENT

8 SEC. 10. For the purpose of enforcing the provisions of
9 this Act, persons engaged in the business of processing,
10 transporting, shipping, or receiving poultry slaughtered for
11 human consumption or poultry products in commerce or in
12 a designated city or area, or holding such products so re-
13 ceived shall maintain records for a period of two years fol-
14 lowing each transaction showing, to the extent that they
15 are concerned therewith, the receipt, delivery, sale, move-
16 ment, or disposition of poultry and poultry products and
17 shall, upon the request of a duly authorized representative of
18 the Secretary, permit him at reasonable times to have access
19 to and to copy all such records.

20 INJUNCTION PROCEEDINGS

21 SEC. 11. The district courts of the United States are
22 vested with jurisdiction specifically to enforce, and to pre-
23 vent and restrain violations, of this Act. The remedies pro-
24 vided for in this section shall be in addition to, and not
25 exclusive of, any of the remedies or penalties provided for

1 elsewhere in this Act or now or hereafter existing at law
2 or in equity.

3 PENALTIES

4 SEC. 12. Any person who violates the provisions of
5 section 8, 9, 10, or 17, shall be guilty of a misdemeanor
6 and shall on conviction thereof be subject to imprisonment
7 for not more than one year, or a fine of not more than
8 \$5,000, or both such imprisonment and fine; but if such
9 violation is committed after a conviction of such person
10 under this section has become final such person shall be
11 subject to imprisonment for not more than two years, or a
12 fine of not more than \$10,000, or both such imprisonment
13 and fine. When construing or enforcing the provisions of
14 said sections, the act, omission, or failure of any person
15 acting for or employed by any individual, partnership,
16 corporation, or association within the scope of his employ-
17 ment or office shall in every case be deemed the act, omis-
18 sion, or failure of such individual, partnership, corporation,
19 or association, as well as of such person.

20 SEC. 13. Before any violation of this Act is reported by
21 the Secretary to any United States attorney for institution of
22 a criminal proceeding, the person against whom such pro-
23 ceeding is contemplated shall be given reasonable notice of
24 the alleged violation and opportunity to present his views
25 orally or in writing with regard to such contemplated pro-

ceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of injunction proceedings violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 14. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary is authorized, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, to exempt from specific provisions of this Act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers only, provided that such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores provided that the only processing operation performed by such retail dealers is the cutting up of poultry prod-

1 ucts on the premises in which such sales to consumers
2 are made.

3 (b) The Secretary may by order suspend or terminate
4 any exemption under this section with respect to any person
5 whenever he finds that such action will aid in effectuating
6 the purposes of this Act.

7 VIOLATIONS BY EXEMPTED PERSONS

8 SEC. 16. Any person who sells, delivers, transports or
9 offers for sale or transportation in commerce or in a desig-
10 nated city or area any poultry products which are exempt
11 under section 15, and which are unwholesome and adulter-
12 ated and are intended for human consumption, shall be
13 guilty of a misdemeanor and shall on conviction thereof
14 be subject to the penalties set forth in section 12.

15 IMPORTS

16 SEC. 17. (a) No slaughtered poultry, or parts or prod-
17 ucts thereof, of any kind shall be imported into the United
18 States unless they are healthful, wholesome, and fit for
19 human food, not adulterated, and contain no dye, chemical,
20 preservative, or ingredient which renders them unhealthy,
21 unwholesome, adulterated, or unfit for human food and
22 unless they also comply with the rules and regulations made
23 by the Secretary of Agriculture. All imported slaughtered
24 poultry, or parts or products thereof, shall after entry into
25 the United States in compliance with such rules and regula-

1 tions be deemed and treated as domestic slaughtered poultry,
2 or parts or products thereof, within the meaning and sub-
3 ject to the provisions of this Act and the Federal Food,
4 Drug, and Cosmetic Act, and acts amendatory of, supple-
5 mental to, or in substitution for such acts.

6 (b) The Secretary of Agriculture is authorized to make
7 rules and regulations to carry out the purposes of this section
8 and in such rules and regulations the Secretary of Agri-
9 culture may prescribe the terms and conditions for the
10 destruction of all slaughtered poultry, or parts or products
11 thereof, offered for entry and refused admission into the
12 United States unless such slaughtered poultry, or parts or
13 products thereof, be exported by the consignee within the
14 time fixed therefor in such rules and regulations.

15 (c) All charges for storage, cartage, and labor with
16 respect to any product which is refused admission pursuant
17 to this section shall be paid by the owner or consignee, and
18 in default of such payment shall constitute a lien against
19 any other products imported thereafter by or for such owner
20 or consignee.

21 GENERAL PROVISIONS

22 SEC. 18. (a) Poultry and poultry products shall be
23 exempt from the provisions of the Federal Food, Drug,
24 and Cosmetic Act, as amended, to the extent of the applica-
25 tion or the extension thereto of the provisions of this Act.

1 (b) In carrying out the provisions of this Act, the
2 Secretary may cooperate with other branches of Govern-
3 ment and with State agencies.

4 COST OF INSPECTION

5 SEC. 19. The cost of inspection rendered under the
6 requirements of this Act shall be borne by the United States
7 except the cost of overtime. The Secretary of Agriculture
8 is authorized, in his discretion, to pay employees employed
9 in establishments subject to the provisions of this Act for
10 all overtime work performed at such establishments at such
11 rates as he may determine and to accept from such estab-
12 lishments wherein such overtime work is performed reim-
13 bursement for any sums paid out by him for such overtime
14 work.

15 APPROPRIATIONS

16 SEC. 20. There is hereby authorized to be appropriated
17 such sums as are necessary to carry out the provisions of
18 this Act.

19 SEPARABILITY OF PROVISIONS

20 SEC. 21. If any provision of this Act or the application
21 thereof to any person or circumstances is held invalid, the
22 validity of the remainder of the Act and of the application
23 of such provision to other persons and circumstances shall
24 not be affected thereby.

DEFINITIONS

SEC. 22. For purposes of this Act—

(a) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term “Secretary” means the Secretary of Agriculture.

(c) The term “person” means any individual, partnership, corporation, association, or any other business unit.

(d) The term “poultry” means any live or slaughtered domesticated or commercially produced game bird.

(e) The term “poultry product” means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term “wholesome” means sound, healthful, wholesome and otherwise fit for human food.

(g) The term “unwholesome” means:

1 (1) Unsound, injurious to health, or otherwise rendered
2 unfit for human food.

3 (2) Consisting in whole or in part of any filthy, putrid,
4 or decomposed substance.

5 (3) Processed, prepared, packed, or held under unsan-
6 itary conditions whereby a poultry carcass or parts thereof
7 or any poultry product may have become contaminated with
8 filth or whereby a poultry product may have been rendered
9 injurious to health.

10 (4) Produced in whole or in part from diseased poultry
11 or from poultry which has died otherwise than by slaughter.

12 (5) Packaged in a container composed of any poisonous
13 or deleterious substance which may render the contents in-
14 jurious to health.

15 (h) The term "adulterated" shall apply to poultry and
16 poultry products under one or more of the following cir-
17 cumstances:

18 (1) If they bear or contain any poisonous or deleterious
19 substance which may render them injurious to health; but,
20 in case the substance is not an added substance, such poultry
21 and poultry products shall not be considered adulterated
22 under this clause if the quantity of such substance in such
23 poultry and poultry products does not ordinarily render
24 them injurious to health.

25 (2) If they bear or contain any added poisonous or

1 added deleterious substance, unless such substance is per-
2 mitted in their production or unavoidable under good manu-
3 facturing practices as may be determined by rules and
4 regulations hereunder prescribed by the Secretary or other
5 provisions of Federal law limiting or tolerating the quantity
6 of such added substance on or in such poultry and poultry
7 products: *Provided*, That any quantity of such added sub-
8 stance exceeding the limits so fixed shall also be deemed to
9 constitute adulteration.

10 (3) If any substance has been substituted, wholly or
11 in part, therefor.

12 (4) If damage or inferiority has been concealed in any
13 manner.

14 (i) The term "inspector" means any employee of the
15 Federal Government authorized by the Secretary of Agri-
16 culture to inspect poultry and poultry products under the
17 authority of this Act.

18 (j) The term "official inspection mark" means the sym-
19 bol, formulated pursuant to rules and regulations prescribed
20 by the Secretary, stating that the product was inspected.

21 (k) The term "inspection service" means the official
22 Government service within the Agricultural Research Serv-
23 ice, Department of Agriculture, having the responsibility for

1 the inspection for wholesomeness of poultry and poultry
2 products, and for carrying out the provisions of this Act.

3 (l) The terms "container" or "package" include any
4 box, can, tin, cloth, plastic, or any other receptacle, wrap-
5 per, or cover.

6 (m) The term "official establishment" means any estab-
7 lishment as determined by the Secretary at which inspection
8 of the slaughter of poultry, or the processing of poultry prod-
9 ucts, is maintained under the authority of this Act.

10 (n) The term "label" means any written, printed, or
11 graphic material upon the shipping container or upon the
12 individual consumer package, if any, of the poultry product,
13 or accompanying such product.

14 EFFECTIVE DATE

15 SEC. 23. This Act shall take effect upon enactment:
16 *Provided*, That no person shall be subject to the provisions
17 of this Act prior to July 1, 1958, unless such person applies
18 for and receives inspection for poultry or poultry products
19 in accordance with the provisions of this Act and pursuant
20 to regulations promulgated by the Secretary hereunder, in
21 any establishment processing poultry or poultry products
22 in commerce or in a designated city or area. Any person
23 who voluntarily applies for and receives such inspection

1 prior to July 1, 1958, shall be subject, on and after the date
2 he commences to receive such inspection, to all of the pro-
3 visions and penalties provided for in this Act with respect
4 to all poultry or poultry products handled in the establish-
5 ment for which said application for inspection is made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. POLK

FEBRUARY 28, 1957

Referred to the Committee on Agriculture

85TH CONGRESS
1ST SESSION

H. R. 5738

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 1957

Mr. DIXON introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products Inspec-
4 tion Act".

LEGISLATIVE FINDING

5
6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quan-
9 tities thereof move in interstate and foreign commerce. Un-
10 wholesome poultry products in the channels of interstate or

1 foreign commerce are injurious to the public welfare, ad-
2 versely affect the marketing of wholesome poultry products,
3 result in sundry losses to producers, and destroy markets for
4 wholesome poultry products. The marketing of wholesome
5 poultry products is affected with the public interest and
6 directly affects the welfare of the people. All poultry and
7 poultry products which have or are required to have inspec-
8 tion under this Act are either in the current of interstate or
9 foreign commerce or directly affect such commerce. That
10 part that enters directly into the current of interstate or
11 foreign commerce cannot be effectively inspected and regu-
12 lated without also inspecting and regulating all poultry and
13 poultry products processed or handled in the same establish-
14 ment.

15 The great volume of poultry products required as an
16 article of food for the inhabitants of large centers of popula-
17 tion directly affects the movement of poultry and poultry
18 products in interstate commerce. To protect interstate com-
19 merce in poultry and poultry products inspected for whole-
20 someness, from being adversely burdened, obstructed, or
21 affected by uninspected poultry or poultry products, the
22 Secretary of Agriculture is authorized after public hearing
23 to ascertain from time to time and to designate cities or areas
24 where poultry or poultry products are handled or consumed

1 in such volume as to affect the movement of inspected
2 poultry or poultry products in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to
7 prevent the movement in interstate or foreign commerce
8 or in a designated city or area of poultry products which
9 are unwholesome or otherwise unfit for human food.

10 DESIGNATION

11 SEC. 4. The Secretary is authorized to ascertain from
12 time to time the cities or areas where poultry or poultry
13 products are handled or consumed in such volume as to affect,
14 burden, or obstruct the movement of inspected poultry prod-
15 ucts in commerce. Whenever, after public hearing, he finds
16 that the designation of such a city or area will tend to effectu-
17 ate the purposes of this Act, he shall by order designate such
18 city or area and prescribe the provisions of this Act which
19 shall be applicable thereto and grant such exemptions there-
20 from as he determines practicable. Such designation shall
21 not become effective until six months after the notice thereof
22 is published in the Federal Register. On and after the
23 effective date of such designation, all poultry and poultry
24 products processed, sold, received, or delivered in any such

1 designated city or area shall be subject to the provisions of
2 this Act:

3 INSPECTION

4 SEC. 5. (a) For the purpose of preventing the entry
5 into or flow or movement in commerce or in a designated
6 city or area of any poultry product which is unwholesome
7 or adulterated, the Secretary shall, whenever processing
8 operations are being conducted, make such examination,
9 ante mortem and post mortem inspection and reinspection
10 as he determines necessary of poultry and of poultry products
11 in any official establishment processing such poultry or
12 poultry products for commerce or in, or for marketing in a
13 designated city or area. All poultry carcasses and parts
14 thereof and poultry products found to be unfit for human
15 consumption shall be condemned and shall, if no appeal
16 be taken from such determination of condemnation, be de-
17 stroyed for human food purposes under the supervision of
18 an inspector. If an appeal be taken from such determina-
19 tion, the product shall be appropriately marked and segre-
20 gated pending completion of an appeal inspection, which
21 appeal shall be at the cost of the appellant if the Secretary
22 determines that the appeal is frivolous. If the determina-
23 tion of condemnation is sustained the product shall be
24 destroyed for human food purposes under the supervision
25 of an inspector.

1 (b) The Secretary shall refuse to render inspection to
2 any establishment whose premises, facilities, or equipment,
3 or the operation thereof, fail to meet the requirements of
4 section 6 of this Act.

5 SANITATION, FACILITIES AND PRACTICES

6 SEC. 6. Each official establishment slaughtering poultry
7 or processing poultry products for commerce or in or for
8 marketing in a designated city or area shall have such
9 premises, facilities, and equipment, and be operated in
10 accordance with such sanitary practices, as are required and
11 approved by the Secretary for the purpose of preventing the
12 entry into or flow or movement in commerce or in a desig-
13 nated city or area, of poultry products which are unwhole-
14 some or adulterated.

15 LABELING

16 SEC. 7. (a) Each shipping container of any poultry
17 product inspected under the authority of this Act and found
18 to be wholesome and not adulterated, shall at the time such
19 product leaves the official establishment bear, in distinctly
20 legible form, the official inspection mark and the approved
21 plant number of the official establishment in which the con-
22 tents were processed. Each immediate container of any
23 poultry product inspected under the authority of this Act
24 and found to be wholesome and not adulterated shall at
25 the time such product leaves the official establishment bear,

1 in addition to official inspection mark, in distinctly legible
2 form, the name of the product, a statement of ingredients
3 if fabricated from two or more ingredients, the net weight
4 or other appropriate measure of the contents, the name and
5 address of the processor and the approved plant number of
6 the official establishment in which the contents were proc-
7 essed. The name and address of the distributor may be
8 used in lieu of the name and address of the processor if the
9 approved plant number is used to identify the official estab-
10 lishment in which the poultry product was prepared and
11 packed. The Secretary may permit reasonable variations
12 and grant exemptions from any labeling requirement in such
13 manner as he may determine practicable.

14 (b) The use of any written, printed or graphic matter
15 upon or accompanying any poultry product inspected or re-
16 quired to be inspected pursuant to the provisions of this Act
17 or the container thereof which is false or misleading is pro-
18 hibited. No poultry products inspected or required to be
19 inspected pursuant to the provisions of this Act shall be sold
20 or offered for sale by any person, firm, or corporation under
21 any false or deceptive name; but established trade name or
22 names which are usual to such products and which are not
23 false and deceptive and which shall be approved by the Sec-
24 retary are permitted. If the Secretary has reason to believe

1 that any label in use or prepared for use is false, or mislead-
2 ing, he may direct that the use of the label be withheld unless
3 it is modified in such manner as the Secretary may prescribe
4 so that it will not be false or misleading. If the person using
5 or proposing to use the label does not accept the determina-
6 tion of the Secretary, he may request a hearing, but the use
7 of the label shall, if the Secretary so directs, be withheld
8 pending hearing and final determination by the Secretary.
9 Any such determination by the Secretary shall be conclusive
10 unless within thirty days after the receipt of notice of such
11 final determination the person adversely affected thereby
12 appeals to the United States court of appeals for the circuit
13 in which he has his principal place of business or to the
14 United States Court of Appeals for the District of Columbia
15 Circuit. The provisions of section 204 of the Packers and
16 Stockyards Act of 1921, as amended, shall be applicable to
17 appeals taken under this section.

18 PROHIBITED ACTS

19 SEC. 8. The following acts or the causing thereof are
20 hereby prohibited:

21 (a) The processing, sale or offering for sale, transporta-
22 tion, or delivery or receiving for transportation, in commerce
23 or in a designated city or area of any poultry product, unless
24 such poultry product has been inspected for wholesomeness

1 and unless the shipping container, if any, and the immediate
2 container are marked in accordance with the provisions of
3 this Act.

4 (b) The sale or other disposition for human food of any
5 poultry or poultry product which has been inspected and
6 declared to be unwholesome or adulterated under this Act.

7 (c) Falsely making or issuing, altering, forging, simu-
8 lating, or counterfeiting any official inspection certificate,
9 memorandum, mark, or other identification or device for
10 making such mark or identification, used in connection with
11 the inspection of poultry, or poultry products under this Act,
12 or causing, procuring, aiding, assisting in, or being a party to,
13 such false making, issuing, altering, forging, simulating, or
14 counterfeiting, or possessing, without promptly notifying the
15 Secretary of Agriculture or his representative, uttering, pub-
16 lishing, or using as true, or causing to be uttered, published,
17 or used as true, any such falsely made or issued, altered,
18 forged, simulated, or counterfeited official inspection certifi-
19 cate, memorandum, mark, or other identification, or device
20 for making such mark or identification, or representing that
21 any poultry or poultry product has been officially inspected
22 under the authority of this Act when such poultry or poultry
23 product has in fact not been so inspected.

24 (d) Using in commerce, or in a designated city or area,
25 a false or misleading label on any poultry product.

1 (e) The use of any container bearing an official inspec-
2 tion mark except for the poultry product in the original form
3 in which it was inspected and covered by said mark unless
4 the mark is removed, obliterated, or otherwise destroyed.

5 (f) The refusal to permit access by any duly authorized
6 representative of the Secretary, at all reasonable times, to
7 the premises of an establishment engaged in processing
8 poultry or poultry products for commerce, or in or for mar-
9 keting in a designated city or area, upon presentation of
10 appropriate credentials.

11 (g) The refusal to permit access to and the copying of
12 any record as authorized by section 10 of this Act.

13 (h) The using by any person to his own advantage, or
14 revealing, other than to the authorized representatives of the
15 Government in their official capacity, or to the courts when
16 relevant in any judicial proceeding under this Act, any in-
17 formation acquired under the authority of this Act, concern-
18 ing any matter which as a trade secret is entitled to protec-
19 tion.

20 (i) Delivering, receiving, transporting, selling, or offer-
21 ing for sale or transport any poultry slaughtered for human
22 food or any part thereof, separately or in combination with
23 other ingredients (other than poultry products as defined
24 in this Act), in commerce, or from an official establishment,

1 or in a designated city or area, except that such poultry
2 may be permitted to be transported between official estab-
3 lishments and to foreign countries pursuant to rules and
4 regulations prescribed by the Secretary.

5 SEC. 9. No establishment processing poultry or poultry
6 products for commerce or in or for marketing in a designated
7 city or area shall process any poultry or poultry product
8 except in compliance with the requirements of this Act.

9 RECORDS OF INTERSTATE SHIPMENT

10 SEC. 10. For the purpose of enforcing the provisions of
11 this Act, persons engaged in the business of processing,
12 transporting, shipping, or receiving poultry slaughtered for
13 human consumption or poultry products in commerce or in
14 a designated city or area, or holding such products so re-
15 ceived shall maintain records showing, to the extent that
16 they are concerned therewith, the receipt, delivery, sale,
17 movement, or disposition of poultry and poultry products and
18 shall, upon the request of a duly authorized representative
19 of the Secretary, permit him at reasonable times to have
20 access to and to copy all such records.

21 INJUNCTION PROCEEDINGS

22 SEC. 11. The district courts of the United States are
23 vested with jurisdiction specifically to enforce, and to pre-
24 vent and restrain violations of this Act. The remedies pro-
25 vided for in this section shall be in addition to, and not

1 exclusive of, any of the remedies or penalties provided for
2 elsewhere in this Act or now or hereafter existing at law or
3 in equity.

4 PENALTIES

5 SEC. 12. Any person who violates the provisions of sec-
6 tion 8, 9, 10, or 17, shall be guilty of a misdemeanor and
7 shall on conviction thereof be subject to imprisonment for
8 not more than one year, or a fine of not more than \$5,000,
9 or both such imprisonment and fine; but if such violation is
10 committed after a conviction of such person under this sec-
11 tion has become final such person shall be subject to im-
12 prisonment for not more than two years, or a fine of not
13 more than \$10,000, or both such imprisonment and fine.
14 When construing or enforcing the provisions of said sections,
15 the act, omission, or failure of any person acting for or
16 employed by any individual, partnership, corporation, or
17 association within the scope of his employment or office shall
18 in every case be deemed the act, omission, or failure of such
19 individual, partnership, corporation, or association, as well
20 as of such person.

21 SEC. 13. Before any violation of this Act is reported by
22 the Secretary to any United States attorney for institution
23 of a criminal proceeding, the person against whom such
24 proceeding is contemplated shall be given reasonable notice
25 of the alleged violation and opportunity to present his views

1 orally or in writing with regard to such contemplated pro-
2 ceeding. Nothing in this Act shall be construed as requiring
3 the Secretary to report for criminal prosecution or for the
4 institution of injunction proceedings violations of this Act
5 whenever he believes that the public interest will be ade-
6 quately served and compliance with the Act obtained by a
7 suitable written notice or warning.

8 REGULATIONS

9 SEC. 14. The Secretary shall promulgate such rules and
10 regulations as are necessary to carry out the provisions of
11 this Act.

12 EXEMPTIONS

13 SEC. 15. (a) The Secretary is authorized, by regulation
14 and under such conditions as to sanitary standards, practices,
15 and procedures as he may prescribe, to exempt from specific
16 provisions of this Act—

17 (1) poultry producers with respect to poultry of
18 their own raising on their own farms which they sell
19 directly to household consumers only: *Provided*, That
20 such poultry producers do not engage in buying or
21 selling poultry products other than those produced from
22 poultry raised on their own farms;

23 (2) retail dealers with respect to poultry products
24 sold directly to consumers in individual retail stores;

1 *Provided*, That the only processing operation performed
2 by such retail dealers is the cutting up of poultry prod-
3 ucts on the premises in which such sales to consumers
4 are made;

5 (3) for such period of time as the Secretary de-
6 termines that it would be impracticable to provide in-
7 spection and the exemption will aid in the effective
8 administration of this Act, any person engaged in the
9 processing of poultry or poultry products for commerce
10 and the poultry or poultry products processed by such
11 person: *Provided, however*, That no such exemption
12 shall continue in effect on and after July 1, 1960.

13 (b) The Secretary may by order suspend or terminate
14 any exemption under this section with respect to any person
15 whenever he finds that such action will aid in effectuating
16 the purposes of this Act.

17 VIOLATIONS BY EXEMPTED PERSONS

18 SEC. 16. Any person who sells, delivers, transports, or
19 offers for sale or transportation in commerce or in a desig-
20 nated city or area any poultry products which are exempt
21 under section 15, knowing that such products are unwhole-
22 some and are intended for human consumption, shall be
23 guilty of a misdemeanor and shall on conviction thereof be
24 subject to the penalties set forth in section 12.

IMPORTS

1
2 SEC. 17. (a) No slaughtered poultry, or parts or
3 products thereof, of any kind shall be imported into the
4 United States unless they are healthful, wholesome, and fit
5 for human food, not adulterated, and contain no dye, chem-
6 ical, preservative, or ingredient which renders them un-
7 healthful, unwholesome, adulterated, or unfit for human food
8 and unless they also comply with the rules and regulations
9 made by the Secretary of Agriculture. All imported slaugh-
10 tered poultry, or parts or products thereof, shall after entry
11 into the United States in compliance with such rules and
12 regulations be deemed and treated as domestic slaughtered
13 poultry, or parts or products thereof, within the meaning and
14 subject to the provisions of this Act and the Federal Food,
15 Drug, and Cosmetic Act, and Acts amendatory of, supple-
16 mental to, or in substitution for such Acts.

17 (b) The Secretary of Agriculture is authorized to make
18 rules and regulations to carry out the purposes of this
19 section and in such rules and regulations the Secretary of
20 Agriculture may prescribe the terms and conditions for the
21 destruction of all slaughtered poultry, or parts or products
22 thereof, offered for entry and refused admission into the
23 United States unless such slaughtered poultry, or parts or
24 products thereof, be exported by the consignee within the
25 time fixed therefor in such rules and regulations.

1 (c) All charges for storage, cartage, and labor with
2 respect to any product which is refused admission pursuant
3 to this section shall be paid by the owner or consignee, and
4 in default of such payment shall constitute a lien against any
5 other products imported thereafter by or for such owner or
6 consignee.

7 GENERAL PROVISIONS

8 SEC. 18. (a) For the purpose of preventing and elimi-
9 nating burdens on commerce in poultry and poultry products,
10 the jurisdiction of the Secretary within the scope of this Act
11 shall be exclusive and poultry and poultry products shall be
12 exempt from the provisions of the Federal Food, Drug, and
13 Cosmetic Act, as amended, to the extent of the application
14 or the extension thereto of the provisions of this Act.

15 (b) In carrying out the provisions of this Act, the
16 Secretary may cooperate with other branches of Government
17 and with State agencies and may conduct such examinations,
18 investigations, and inspections as he determines practicable
19 through any officer or employee of a State commissioned by
20 the Secretary for such purpose.

21 SEC. 19. The cost of inspection rendered under the re-
22 quirements of this Act shall be borne by the United States.
23 The Secretary of Agriculture is authorized in his discretion
24 to pay employees of the Department of Agriculture em-
25 ployed in establishments subject to the provisions of this Act

1 for overtime or holiday work performed at such establish-
2 ments at such rates as he may determine and to accept from
3 such establishments wherein such premium pay work is
4 performed reimbursement for any sums paid out by him for
5 such work, such reimbursement to be available without fiscal-
6 year limitation to carry out the purposes of this section.

7 APPROPRIATIONS

8 SEC. 20. There is hereby authorized to be appropriated
9 such sums as are necessary to carry out the provisions of this
10 Act.

11 SEPARABILITY OF PROVISIONS

12 SEC. 21. If any provision of this Act or the application
13 thereof to any person or circumstances is held invalid, the
14 validity of the remainder of the Act and of the application
15 of such provision to other persons and circumstances shall not
16 be affected thereby.

17 DEFINITIONS

18 SEC. 22. For purposes of this Act—

(a) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof, or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

1 (c) The term "person" means any individual, partner-
2 ship, corporation, association, or any other business unit.

3 (d) The term "poultry" means any live or slaughtered
4 domesticated bird or commercially produced game bird.

5 (e) The term "poultry product" means any poultry
6 which has been slaughtered for human food from which the
7 blood, feathers, feet, head, and viscera have been removed
8 in accordance with rules and regulations promulgated by
9 the Secretary, any edible part of poultry, or, unless exempted
10 by the Secretary, any human food product consisting of any
11 edible part of poultry separately or in combination with other
12 ingredients.

13 (f) The term "wholesome" means sound, healthful,
14 clean, and otherwise fit for human food.

15 (g) The term "unwholesome" means:

16 (1) Unsound, injurious to health, or otherwise ren-
17 dered unfit for human food.

18 (2) Consisting in whole or in part of any filthy, putrid,
19 or decomposed substance.

20 (3) Processed, prepared, packed, or held under un-
21 sanitary conditions whereby a poultry product may have
22 become contaminated with filth or whereby a poultry product
23 may have been rendered injurious to health.

24 (4) Produced in whole or in part from poultry which
25 has died otherwise than by slaughter.

1 (5) Packaged in a container composed of any poisonous
2 or deleterious substance which may render the contents
3 injurious to health.

4 (h) The term "adulterated" shall apply to poultry and
5 poultry products under one or more of the following cir-
6 cumstances:

7 (1) If they bear or contain any poisonous or deleterious
8 substance which may render them injurious to health; but,
9 in case the substance is not an added substance, such poultry
10 and poultry products shall not be considered adulterated
11 under this clause if the quantity of such substance in such
12 poultry and poultry products does not ordinarily render them
13 injurious to health.

14 (2) If they bear or contain any added poisonous or
15 added deleterious substance, unless such substance is per-
16 mitted in their production or unavoidable under good manu-
17 facturing practices as may be determined by rules and regu-
18 lations hereunder prescribed by the Secretary or other pro-
19 visions of Federal law limiting or tolerating the quantity
20 of such added substance on or in such poultry and poultry
21 products: *Provided*, That any quantity of such added sub-
22 stance exceeding the limits so fixed shall also be deemed to
23 constitute adulteration.

24 (3) If any substance has been substituted, wholly or
25 in part, therefor.

1 (4) If damage or inferiority has been concealed in any
2 manner.

3 (5) If any valuable constituent has been in whole or
4 in part omitted or abstracted therefrom.

5 (6) If any substance has been added thereto or mixed
6 or packed therewith so as to increase its bulk or weight, or
7 reduce its quality or strength, or make it appear better or of
8 greater value than it is.

9 (i) The term "inspector" means any person authorized
10 by the Secretary of Agriculture to inspect poultry and poultry
11 products under the authority of this Act.

12 (j) The term "official inspection mark" means the
13 symbol, formulated pursuant to rules and regulations pre-
14 scribed by the Secretary, stating that the product was
15 inspected.

16 (k) The term "inspection service" means the official
17 Government service within the Department of Agriculture
18 having the responsibility for the inspection for wholesome-
19 ness of poultry and poultry products, and for carrying out
20 the provisions of this Act.

21 (l) The terms "container" or "package" include any
22 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
23 or cover.

24 (m) The term "official establishment" means any estab-
25 lishment as determined by the Secretary at which inspection

1 of the slaughter of poultry, or the processing of poultry
2 products, is maintained under the authority of this Act.

3 (n) The term "label" means any written, printed, or
4 graphic material upon the shipping container, if any, or
5 upon the immediate container, including but not limited to
6 an individual consumer package, of the poultry product, or
7 accompanying such product.

8 (o) The term "shipping container" means any con-
9 tainer used or intended for use in packaging the product
10 packed in an immediate container.

11 (p) The term "immediate container" includes any con-
12 sumer package; or any carton, box, barrel, or other re-
13 ceptacle in which poultry carcasses or poultry products, not
14 consumer packaged, are packed.

15 EFFECTIVE DATE

16 SEC. 23. This Act shall take effect upon enactment:
17 *Provided*, That no person shall be subject to the provisions
18 of this Act prior to July 1, 1958, unless such person applies
19 for and receives inspection for poultry or poultry products
20 in accordance with the provisions of this Act and pursuant
21 to regulations promulgated by the Secretary hereunder, in
22 any establishment processing poultry or poultry products

1 in commerce or in a designated city or area. Any person
2 who voluntarily applies for and receives such inspection
3 prior to July 1, 1958, shall be subject, on and after the date
4 he commences to receive such inspection, to all of the pro-
5 visions and penalties provided for in this Act with respect
6 to all poultry or poultry products handled in the establish-
7 ment for which said application for inspection is made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. DIXON

MARCH 7, 1957

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 22, 1957
For actions of March 21, 1957
85th-1st, No. 49

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HIGHLIGHTS: Senate committee ordered reported compulsory poultry inspection bill. Sen. Schoeppel inserted Butz' testimony on operation of Public Law 480. House committee reported bill to continue Federal administration of ACP. House committee reported on Administration plan to improve congressional control of budget. House committee reported Labor-HEW appropriation bill. House committee ordered reported marketing facilities loan bill. (Cont'd page 7).

HOUSE

1. SOIL CONSERVATION. The Agriculture Committee reported with amendment H.R. 1045, to continue Federal administration of the ACP (H. Rept. 214). p. 3705
2. BUDGETING. The Appropriations Committee reported on the administration plan to improve congressional control of the budget (H. Rept. 216). p. 3705
At the end of this Digest is a summary of the report.
3. MARKETING FACILITIES. The Agriculture Committee ordered reported with amendment H.R. 4504, to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities. p. D228
4. INSECT CONTROL. The Research and Extension Subcommittee of the Agriculture Committee ordered reported with amendment to the full committee H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. p. D228
5. PUBLIC LANDS. The Interior and Insular Affairs Committee reported without amendment H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U.S. for military purposes shall not become effective until approved by Act of Congress (H. Rept 215). p. 3705

6. APPROPRIATIONS. The Appropriations Committee reported without amendment H.R. 6287, the Departments of Labor and HEW appropriation bill for 1958 (H. Rept. 217). p. 3705
7. POULTRY INSPECTION. Rep. Dixon expressed satisfaction with the general agreement of witnesses before the Agriculture Committee that compulsory poultry inspection should be administered by this Department, expressed hope for early enactment of this legislation. pp. 3703-04
8. CORN. Rep. Coad requested support of petition to the Secretary to support corn in the commercial corn area at \$1.60 per bushel. p. 3675
9. FOREIGN TRADE. Rep. Lane criticized the lowering of tariff rates on products entering this country in competition with our products. p. 3675
Rep. Bailey criticized the proposed reductions in certain tariff rates to "compensate the United Kingdom and Belgium for the tariff-increase on linen toweling". pp. 3696-97
The Banking and Currency Committee ordered reported H.R. 4136, to extend the period within which the Export-Import Bank may make loans. p. D228
10. REPORTS. This office has received the annual report of the Secretary of the Treasury (H. Doc. 3).
11. RECLAMATION. Agreed to a resolution providing for consideration of H.R. 2146, to amend the Small Reclamation Projects Act so as to retain congressional oversight of the small projects program. p. 3679
12. PAPERWORK MANAGEMENT. Rep. Hays commended Secretary of Defense Wilson's announced elimination of unnecessary reports and the reduction in volume of paperwork, and urged further reductions in Government paperwork. p. 3695
13. ELECTRIFICATION. The Government Operations Committee submitted a report pertaining to private electric utilities organized efforts to influence the Secretary of the Interior (H. Rept. 213). p. 3705
14. WHEAT. Received a Mich. Legislature resolution protesting the proposed revision of official standards for wheat promulgated under the U. S. Grain Standards Act. p. 3706
15. ADJOURNED until Mon., Mar. 25. p. 3705

SENATE

16. POULTRY INSPECTION. Agriculture and Forestry Committee ordered reported a clean bill (in lieu of S. 313, 645, and 1128) to provide compulsory inspection of poultry and poultry products. p. D226
17. PROPERTY; RESEARCH. Agriculture and Forestry Committee ordered reported without amendment, S. 1034, to convey certain research property to the Univ. of Mo. p. D226
18. INSECT CONTROL. The Agriculture and Forestry Committee ordered reported without amendment S. 1442, to aid in the control of plant pests. p. D226
19. FORESTS. The Agriculture and Forestry Committee ordered reported with amendments S. 44, to authorize this Department to exchange certain lands in the Apache National Forest, N. Mex. p. D226

and had us as a colony and we found 140 patriotic-minded young men being executed who felt they were fighting for our freedom. And think of the fact that the last one, aged 18, executed on March 14, 1957, was too proud even to ask personally for mercy after the sentence, or appeal. Maybe the British feel now they are governing with too heavy a hand; maybe the moderate policy is best.

Likewise, as I pointed out, on February 28 the British court sentenced to death 3 more young men, all aged 18 to 23. That means at the present time there are five young men on Cyprus still awaiting execution by the British Governor, Sir John Harding, who relentlessly shows no mercy and orders them out to the hangman's noose the next morning. When I telephoned the Governor of Cyprus that Wednesday afternoon, March 13, I said to him: "Sir John, it becomes your unpleasant duty to execute him—Evagoras Pallikorides, aged 18—in the morning or I will educate him for 4 years in America. I was calling his attention to the terrible decision he had to make of saying whether he give me this young man and I will educate him for 4 years, or else he should take him and execute him in the morning. The Governor said: "Do not let sentiment enter into this sort of thing." He said the sentence stands. I said, maybe it is better for the young man if you, as governor, do what I recommend rather than what you are saying, and let us go on the basis of what is best for the young man.

There was a prompt refusal. The young man was executed in the morning in spite of the plea of our United Nations delegate, Ambassador Cabot Lodge, the previous afternoon, who sent a special written note of representation by hand to the British representatives at the United Nations objecting to such hurried execution being carried out on March 14 under a sentence of death of only February 25.

Yes, in spite of the urgent request for further consideration made by our new United States Ambassador to England, Jock Whitney, who was then at dinner the evening before, with the Prime Minister. He likewise favored some postponement so that more consideration should be given to determine what should be done with this young Greek patriot. The young man was executed 6 or 7 hours later by hanging on orders of Governor of Cyprus Sir John Harding without even consideration on appeal by the Supreme Court of Cyprus, or the Privy Council of Britain.

Yes, in spite of quite several British officials requesting further time for consideration, the young man was executed, a little too promptly perhaps, for good conscience. But such bloody business is best over quickly, when it is a young man without many friends, before public sentiment becomes too aroused.

I want to compliment our United States Department of State, particularly Mr. Chris Herter, Under Secretary of State, for his human interest, and Mr. Robert Murphy, Deputy Under Secretary of State, for his courtesy and full cooperation. I would like to compliment

Mr. Elbrick, who is head of the European desk of the State Department, for his prompt and courteous action. I also want to compliment particularly Cabot Lodge, who went clear out of his road to stop this distressing situation from occurring, on two occasions, at my request. I would like to compliment our new Ambassador, Jock Whitney, who has shown himself every inch a statesman and likewise a person with a real heart, who took the time to make representations on an emergency basis when he was at dinner with the Prime Minister the evening before the execution.

If we people of the NATO countries can once prevail on the British to moderate the Cyprus policy to a sensible and reasonable humane basis, and ask the Cyprus rebels to go along for the time being so that the United Nations resolution of February 20, 1957, can be implemented by direct negotiation of the parties concerned, under peaceful and democratic procedures without further violence during negotiations, then we in the Western democracies are making progress. If both sides, however, retain this current extreme policy, with ambushing of young British soldiers on one side, and the British Government hanging young men peremptorily, we cannot make progress. Of course, the rebels will then continue reprisal after reprisal, and freedom for the people of Cyprus continues to be repressed indefinitely until a real explosion or the turn toward sources promising a more lenient policy will occur. Ill the day for Britain, Cyprus, Greece, and Turkey that this occurs.

I urge the participants on all sides to reconsider, and I urge the British to make a public statement promptly to show good faith, that they will not go through with the execution of five young men now under sentence of death on Cyprus, pending negotiations.

Mr. DIXON. I would like to endorse the remarks of the gentleman from Pennsylvania, Congressman FULTON, that have been made with reference to Britain's policy in Cyprus.

FEDERAL INSPECTION OF POULTRY

(Mr. DIXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, the Subcommittee on Poultry of the House Committee on Agriculture has been working religiously on a compulsory poultry-inspection bill. The committee worked last session under the able direction of the gentleman from Ohio, Representative JAMES G. POLK, and this year under the effective leadership of the gentleman from Kentucky, Representative JOHN C. WATTS.

My subcommittee chairman, the gentleman from Kentucky, informs me that work on the bill will be fairly well completed within the next 30 days.

The most significant and commendatory thing about this compulsory inspection movement is that the poultry raisers and processors themselves are the very people who want compulsory in-

spection. Their support is largely the result of the success of the present voluntary program operated by the United States Department of Agriculture. To this voluntary inspection system we can attribute much of the credit for the unprecedented increase in consumption of poultry during the last few years.

Recognition of the success of the voluntary poultry-inspection program of the Department of Agriculture is becoming widespread and merits comment on the floor of the House of Representatives.

I have been impressed during recent hearings of the Poultry and Eggs Subcommittee at the near-universal desire to keep the poultry-inspection function within the Department of Agriculture and to expand inspection by making it compulsory for poultry going into interstate commerce.

Last year some of the bills to make poultry inspection compulsory would have taken this function from the Department of Agriculture and placed it in the Food and Drug Administration of the Department of Health, Education, and Welfare.

Typical of this point of view was a statement of Dr. Oscar Sussman, secretary-treasurer, Association of State Public Health Veterinarians. In his testimony before a subcommittee of the Senate Committee on Agriculture and Forestry, Dr. Sussman stated:

We believe all food products should be examined and inspected under the authority of an agency which is a consumer-protective agency in contrast to a producer-protective agency.

In most instances, the United States Department of Agriculture is generally thought of, and actually is, a producer-protective agency. Their prime concern is with production and marketing.

Health agencies and food and drug agencies, on the other hand, are primarily concerned with the protection of the consumer.

Now, the movement to shift poultry inspection to the Department of Health, Education, and Welfare has almost disappeared, however. There appears to be near universal satisfaction with the performance of the Department of Agriculture. This is important because our consumers will be protected and our poultry industry, the third highest producer of farm income, can significantly benefit only if the inspection is well administered and the public has confidence in the inspection.

The three large farm organizations want to expand poultry inspection under the Department of Agriculture. The American Farm Bureau Federation adopted the following resolution at its last annual convention in December:

We recommend legislation to require mandatory inspection of poultry meat sold in interstate commerce to be administered and financed by the USDA. We further recommend that authority be given the Secretary of Agriculture to provide the same inspection of poultry meat sold in interstate commerce upon application by State or local authorities in major consuming areas following hearings and adequate opportunity for affected parties to be heard.

Following the testimony of Matt Triggs, assistant legislative director of the AFBF, I asked him a few questions, as follows:

Mr. DIXON. Mr. Triggs, are your farmers fairly happy with voluntary inspection as far as it goes?

Mr. TRIGGS. I can answer that I think by saying that they have been satisfied with the voluntary inspection because, of course, any group that became dissatisfied with it did not have to participate.

Mr. DIXON. Are they satisfied with the administration of it?

Mr. TRIGGS. I think the answer to your question is yes.

Mr. DIXON. Do you think that satisfaction is sufficient to bring general support for this further step of compulsory inspection?

Mr. TRIGGS. I skipped over part of my statement in view of the time element, but maybe I should just kind of summarize this. This subject has been extensively debated since the hearings of this committee last summer by poultrymen all over the country. They were not all to begin with for compulsory inspection, but the great consensus of opinion now is, as certainly reflected by us, that compulsory inspection of interstate shipments and, under certain conditions, intrastate shipments is desirable and is in the interest of poultrymen.

Mr. DIXON. And you want it under the Department of Agriculture?

Mr. TRIGGS. By all means under the Department of Agriculture. At the 90th annual session of the National Grange, held last November, the following resolution was adopted:

"That a Federal poultry inspection system be established in the Poultry Branch of the United States Department of Agriculture, with the Secretary of Agriculture authorized to determine the type, character, and scope of inspection required to assure wholesome poultry products."

Mr. Joseph O. Parker, legislative counsel of the Grange, stated in his testimony on March 8:

The voluntary poultry inspection program administered by the Agricultural Marketing Service in the Department of Agriculture is manned by highly trained competent personnel with long experience in poultry. This record of poultry inspection experience and achievement which has been built up over the last quarter of a century is unequalled.

Reuben Johnson, assistant coordinator of legislative services for the National Farmers Union, said in his testimony of March 6:

It seems largely the result of growing sentiment in this committee and in Congress for a poultry inspection law that the great majority of poultry processors now embrace the principle of mandatory Federal poultry inspection. We also note that the Department of Agriculture has again this year spoken strongly for such a law.

J. O. Kumpe, member of the board of directors and past president of the Southwestern Association, whose membership produces approximately 80 percent of the volume of broilers in 6 Southwestern States, reported their resolution as follows:

We favor compulsory inspection for wholesomeness of all poultry products moving into interstate commerce, under the present Inspection and Grading Division of the Poultry Branch, Agricultural Marketing Service, USDA, and that such inspection be paid from public appropriated funds.

Charles D. Hawks, general manager of the Arkansas Poultry Federation, in testifying for compulsory inspection by the Department of Agriculture said:

We are confident that the Secretary of Agriculture will utilize existing facilities

with the same confidence our poultry industry has placed in them.

Shirley W. Barker, director of the poultry department, Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, stated:

We also note with great satisfaction that the Department of Agriculture has in 1956 and today, spoken strongly and forcefully for this principle.

Among various other groups the Northeast Turkey Growers Association has indicated they want the Secretary of Agriculture to have jurisdiction over a compulsory inspection program and to put it in the Department where he sees fit.

Although the various groups affected have different ideas on some details of the program, rarely has there been such fundamental unity both as to the need and the administrative department. Their testimony reveals confidence in and approval of the USDA's administration of the poultry inspection program. I hope that, as soon as we can agree on details and report out a bill, Congress will act promptly for the benefit of the consuming public and our poultry industry.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MEADER, for 1 hour, on Wednesday next.

Mr. AUCHINCLOSS, for 30 minutes, on Wednesday next.

Mr. BYRD for 15 minutes today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHERER for March 25 through March 29, 1957, on account of attendance at hearings of Committee on Un-American Activities in Chicago, Ill., on said dates.

Mr. CHUDOFF (at the request of Mrs. GRANAHAN) for today and through March 26, 1957, on account of death in family.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. BOLLING and to include an editorial.

Mr. FORAND and to include a press release and a digest of a bill.

Mr. PRICE in two instances and to include newspaper editorials.

Mr. MCGOVERN and to include an editorial.

Mr. LANKFORD and to include extraneous matter.

Mr. HERLONG and to include an editorial.

Mr. LANE in four instances and to include extraneous matter.

Mr. ALLEN of Illinois and to include a statement with reference to our national security.

Mr. SILER and to include extraneous matter.

Mr. REECE of Tennessee.

Mr. MASON on the subject Federal Aid for Public Schools and to include an article on the same subject by Raymond Moley.

Mr. BROOMFIELD and to include an article by Dr. Harry Cohen.

Mr. GAVIN in three instances and to include extraneous matter.

Mr. HENDERSON and to include extraneous matter.

Mr. THOMSON of Wyoming in two instances and to include extraneous matter.

Mr. MAY and to include an editorial.

Mrs. ROGERS of Massachusetts and to include extracts from testimony given by the American Legion and the D. A. V. before the Appropriations Subcommittee for Independent Offices.

Mr. LECOMPTÉ (at the request of Mr. AREND) and to include two editorials.

Mr. FARSTEIN (at the request of Mr. MULTER) in three instances and to include extraneous matter.

Mr. ABERNETHY (at the request of Mr. ALBERT) and to include extraneous matter.

Mr. DORN of South Carolina in two instances and to include articles.

Mr. PATMAN to revise and extend his remarks made in Committee and to include statements and excerpts.

Mr. ROBSON of Kentucky and to include extraneous matter.

Mr. WIDNALL in three instances and to include extraneous matter.

Mr. PATMAN in two instances and to include extraneous matter.

Mr. CANNON and to include a speech by Mr. WHITTEN.

Mr. PHILBIN in two instances, in each to include extraneous matter.

Mr. HARVEY and include an article.

Mr. WILLIAMS of Mississippi in three instances in each to include extraneous matter.

Mr. HAYS of Ohio and include an editorial.

Mr. CRAMER in three instances, in each to include extraneous matter.

Mr. KNOX in two instances.

Mr. HOFFMAN in two instances, in each to include extraneous matter.

Mr. TABER and to include a table.

Mr. ABBITT (at the request of Mr. BOYLE) in three instances and to include extraneous matter.

Mr. HARRISON of Nebraska (at the request of Mr. MARTIN) and to include extraneous matter.

Mr. ALLEN of California.

Mr. McDONOUGH in three instances and to include extraneous matter.

Mr. ROOSEVELT and to include an editorial.

Mr. MILLER of California in two instances and to include extraneous matter.

Mr. MULTER in three instances and to include extraneous matter.

Mr. LATHAM and to include extraneous matter.

Mr. ENGLE (at the request of Mr. HALEY) and to include extraneous matter.

Mr. COLMER (at the request of Mr. BOYLE) and to include an editorial.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 29, 1957
For actions of March 28, 1957
85th-1st, No. 54

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HIGHLIGHTS: Senate committee reported poultry inspection bill. Senate passed omnibus public works bill. House debated Labor-HEW appropriation bill. House Rules Committee cleared military land withdrawals bill. Rep. Schwengel criticized delay in action on corn bill. Sens. Douglas and Curtis introduced and Sen. Douglas discussed bill to provide alcohol butadiene research program. Sen. Aiken introduced and discussed bill to authorize dairy cooperatives to bargain with purchasers singly or in groups. Rep. Coad proposed and discussed measure to investigate manner in which CCC sells certain commodities.

HOUSE

1. APPROPRIATIONS. Continued debate on H.R. 6287, the Labor-HEW appropriation bill for 1958 (pp. 4137-67, 4169, A2535). Agreed, 83 to 82, to an amendment by Rep. Jonas to reduce the funds for the Food and Drug Administration from \$9,300,000 to \$7,973,000 (pp. 4156-67).
Rep. Rhodes spoke in favor of legislation to require the President to submit in his budget a figure to ^{be} used to pay on the public debt. pp. 4174-75
Rep. Fascell urged that the budget be cut, and inserted a letter and newspaper article on the subject. pp. 4193-97
2. FORESTRY. The Rules Committee reported a resolution for consideration of H.R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands of the U. S. shall not become effective until approved by Congress (H. Rept. 287). pp. 4168, 4198
3. FARM PROGRAM. Rep. Schwengel criticized the delay in passage of corn legislation and stated that he had decided to state the "facts about this controversy as I see them." pp. 4169-70
4. DISASTER RELIEF. Both Houses received from the President a report on the administration of Federal disaster relief as required under Public Law 875, 81st Congress (H. Doc. 142). pp. 4053, 4136

5. TAXATION. Concurred in the Senate amendments to H.R. 4090, to extend the present corporate income and certain excise tax rates for 15 months. This bill is now ready for the President. pp. 4136-7
6. FOREIGN TRADE. The Rules Committee reported a resolution for consideration of H.R. 4136, to extend the period within which the Export-Import Bank of Washington may make loans (H. Rept. 286). pp. 4167-68
7. FOREIGN AID. Rep. Meader inserted his Reader's Digest article, "Our Foreign-Aid Program - A Bureaucratic Nightmare," and copies of a number of letters he had received concerning the article. pp. 4182-90

SENATE

8. FOOD SUPPLY. Received a proposed bill from the President of the Board of Commissioners, District of Columbia, to amend the District of Columbia Public School Food Services Act; to the District of Columbia Committee. pp. 4053-4
9. TRANSPORTATION. Received a N. D. Legislature resolution opposing passage of the bill to repeal the long-and-short-haul clause of the Interstate Commerce Act, in the interests of preventing lower rates for long hauls than for short ones. p. 4054
10. FARM PROGRAM. Sen. Humphrey inserted a resolution from Co-op Services, Inc., New York Mills, Minn., favoring a production payment system to assure 100% of parity returns to family farmers, and stating "farmers and business . . . are greatly disturbed by the Secretary of Agriculture's present policies." p. 4056
11. POULTRY. The Agriculture and Forestry Committee reported S. 1747, an original bill to provide for the compulsory inspection by this Department of poultry and poultry products (S. Rept. 195). p. 4056
12. PUBLIC WORKS. Passed with amendments, S. 497, the Rivers and Harbors and Flood Control Acts of 1957, by a 42-to-22 vote (p. 4133). Adopted Committee amendments en bloc (pp. 4070-1).
Agreed to the following amendment: by Sen. Barrett; to insure that conservation water storage space be used in accord with state law (pp. 4124-5).
Rejected the following amendments: by Sen. Douglas to authorize the President to postpone 25% of the projects least essential (pp. 4072-98), including comments by Sen. Neuberger on the comparative soil bank payments to Nebr., Ill., and Ore. (p. 4083); by Sen. Hruska, to recommit the bill with instructions, 27-55 (pp. 4101-12); by Sen. Neuberger to delete the Bruce Eddy Dam in Ida. (pp. 4112-19); by Sen. Watkins to strike out a section dealing with State water rights (pp. 4119-24); by Sen. Case to increase payments to landowners for land acquired for reservoir purposes (pp. 4126-9); and by Sen. Watkins to provide that State and local governments assume 50% or more of the construction and operation costs (pp. 4129-32).
13. LEGISLATIVE PROGRAM. Sen. Johnson announced that consideration of the following bills, among others, would begin on Mar. 29; S. 1585, to provide for a joint committee on the budget; S. 685 and H.R. 4813, to extend the life of the D. C. Auditorium Commission; S. 1034, to authorize the transfer of the Midwest Claypan Research station to the U. of Mo.; S. 812, to freeze price supports for extra long staple cotton at 75% of parity; S. 1314, to extend

POULTRY INSPECTION

MARCH 28, 1957.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 1747]

The Committee on Agriculture and Forestry reported an original bill (S. 1747), to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, with a recommendation that it do pass.

PURPOSE OF THE BILL

The purpose of this bill is to provide for (1) the compulsory inspection of poultry and poultry products for wholesomeness, (2) the maintenance of sanitary facilities and practices, and (3) correct and informative labeling.

HEARINGS

The Subcommittee on Agricultural Research and General Legislation conducted 3 days of hearings during the 2d session of the 84th Congress on compulsory poultry inspection. The hearings covered Senate bills 3588 and 3983. Following these hearings the committee reported an original bill, S. 4243, which, however, was reported too late in the session for action by the Senate. The Committee on Agriculture and Forestry has conducted 2 days of hearings on compulsory poultry inspection this session, covering Senate bills 313, 645, and 1128.

Testimony heard at both sets of hearings included statements from Members of Congress, representatives of farm organizations, labor organizations, public-health officials, veterinarian groups, poultry producers and processors, officials of the Food and Drug Administration of the United States Department of Health, Education, and Welfare, the United States Department of Agriculture, and others.

The bill reported by the committee was worked out, following the hearings, by the principal sponsors of S. 313, S. 645, and S. 1128, with

the assistance and recommendations of the Department of Agriculture and the Food and Drug Administration; and its enactment is favored by both those agencies.

SECTION BY SECTION EXPLANATION OF BILL

SHORT TITLE

Section 1 provides a short title "Poultry Products Inspection Act."

LEGISLATIVE FINDINGS

Section 2 contains legislative findings as to the necessity of the inspection and regulation provided by the act to protect interstate and foreign commerce in poultry and poultry products.

DECLARATION OF POLICY

Section 3 declares the congressional policy to provide inspection of poultry and poultry products to prevent the movement in interstate or foreign commerce or "designated" major consuming areas of unwholesome or adulterated poultry products.

DEFINITIONS

Section 4 defines terms used in the act. The definition of the terms "unwholesome" and "adulterated," as contained in this bill, cover all points as contained in the definition of "adulteration" in the Federal Food, Drug, and Cosmetic Act. The definition of "unwholesome" makes it clear that carcasses or parts thereof or poultry products produced under unsanitary conditions whereby they may become contaminated or injurious to health will be subject to condemnation. Under the definition although poultry suffering from diseases which systematically affect the bird would be unwholesome, poultry having a localized condition not affecting the wholesomeness of the remainder of the bird would not be classed as "unwholesome" upon removal of the affected area, leaving the remainder wholesome and fit for human consumption. "Inspectors" may be Federal or State employees.

DESIGNATION OF MAJOR CONSUMING AREAS FOR REGULATION

Section 5 authorizes the Secretary of Agriculture after hearing called upon application of a State agency responsible for the administration and enforcement of State poultry inspection laws, or if there is no such agency, then upon application of any appropriate State or local official or of any appropriate poultry industry group, to designate major consuming areas where poultry or poultry products are marketed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate or foreign commerce. Exemptions would also be authorized under this section. Designation would be made by notice in the Federal Register, specifying an effective date not less than 6 months after such notice. The Secretary of Agriculture under this section has full discretion in determining whether a major consuming area shall be designated, taking into consideration the views, evidence, and other data submitted at the hearing and such other information as may be available to him.

ANTEMORTEM AND POSTMORTEM INSPECTION

Section 6 (a) requires such antemortem inspection as the Secretary deems necessary. Section 6 (b) requires a postmortem inspection of each carcass processed in "official establishments" processing poultry for poultry products for interstate or foreign commerce or in or for major consuming areas designated under section 5. Poultry products and parts thereof found upon inspection to be unwholesome or adulterated are to be condemned and destroyed for human-food purposes under supervision of an inspector, provided that if reprocessed under such supervision so as to be not unwholesome or adulterated they need not be destroyed for human food purposes. Provision is made for appeal against condemnation. ("Official establishments" are establishments at which inspection is maintained under the authority of the act.)

REINSPECTION, QUARANTINE, SEGREGATION

Section 6 (c) makes provision for reinspection of slaughtered poultry and poultry products as often as the Secretary deems necessary to insure wholesomeness. Section 6 (d) makes provision for the quarantine and segregation of live or slaughtered poultry under rules and regulations as prescribed by the Secretary.

SANITARY REGULATIONS

Section 7 requires official establishments to have premises, facilities, and equipment, and be operated in accordance with sanitary practices required by regulations of the Secretary for the purposes of the act. It will be the duty of the inspection service to enforce these regulations and inspection services will be refused establishments failing to meet the requirements of this section.

LABELING REQUIREMENTS

Section 8 (a) requires shipping containers of poultry products inspected and found wholesome under the act to be labeled with the official inspection mark and approved plant number of the processing plant. Each immediate container is required to bear, in addition to the material required on the shipping container, the name of the product, a statement of ingredients if fabricated from two or more ingredients, a statement of any artificial flavoring, artificial coloring, or chemical preservative it bears or contains, the quantity, and the name and address of either the processing plant or the distributor. The Secretary may permit variation or exemption from the requirements of this subsection not in conflict with the provisions of the Federal Food, Drug, and Cosmetic Act.

FALSE OR MISLEADING LABELING

Section 8 (b) prohibits false or misleading labeling. Subject to administrative and court appeal, the Secretary may direct the modification of any label so that it will not be false or misleading. The Secretary has the same authority with respect to established trade name or names which are usual to such products as he presently has with respect to red meats under the Meat Inspection Act.

PROHIBITED ACTS

Section 9 prohibits—

(a) the processing, sale or offering for sale, introduction, delivery for introduction, transportation, or receiving for transportation, in interstate or foreign commerce or in a designated major consuming area, of any poultry product not inspected and labeled in accordance with the act;

(b) the sale of or other disposition for human food of any poultry or poultry product found unwholesome or adulterated under the act;

(c) forgery and similar specified actions with respect to inspection certificates, marks, and devices, and misrepresentation of products as inspected;

(d) using in interstate or foreign commerce or in "designated" major consuming areas of false or misleading labeling;

(e) improper use of containers bearing official inspection marks;

(f) refusal to permit access at reasonable times to establishments processing poultry or poultry products for interstate or foreign commerce, or in or for "designated" major consuming areas;

(g) refusal to permit access to and copying of records as required by section 11;

(h) improper use, or revealing of, information acquired under authority of the act concerning trade secrets;

(i) delivering, receiving, transporting, selling, or offering for sale or transport, in interstate or foreign commerce or "designated" major consuming areas, poultry slaughtered for human food unless the blood, feathers, feet, head, and viscera have been removed in accordance with rules prescribed by the Secretary. Transport between official establishments or to foreign countries pursuant to rules prescribed by the Secretary would, however, be permitted, provided that poultry for export complies with the laws of the importing country. This would specifically prohibit the movement of "New York Dressed Poultry" in commerce or in a designated major consuming area or from an official establishment, except between official establishments and under exemptions under section 5 as authorized by the Secretary. The committee realizes that this provision may cause some problems and that some exemptions may be necessary. In making any such exemptions the Secretary should take all reasonable precautions to assure that only wholesome poultry or poultry products are marketed.

COMPLETE COVERAGE OF "OFFICIAL ESTABLISHMENTS"

Section 10 prohibits any establishment processing poultry or poultry products for interstate or foreign commerce or in or for a "designated" major consuming area from processing any poultry or poultry product except in compliance with the act. This would prohibit any such establishment from processing any poultry or poultry product without inspection.

RECORDS

Section 11 requires persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in interstate or foreign commerce or in a "designated" major consuming area, or holding products so received, to maintain records for a period of 2 years following such transactions, and to permit access to and copying of records, showing the movement in such commerce or area, or holding, of any such poultry or product and the quantity, shipper, and consignee thereof.

INJUNCTIONS

Section 12 provides for injunctions to restrain violations.

PENALTIES

Section 13 provides penalties for violation of sections 9, 10, 11, and 18, with increased maximum penalties for second and subsequent offenses. The degree of proof with respect to violations subject to the penalties is the same as in the Meat Inspection Act and the Federal Food, Drug, and Cosmetic Act. It is a program for the protection of the public health comparable to these two acts and, therefore, knowledge or willfulness on the part of the person concerned in a violation is not an element of the violation and need not be established by the Government in enforcement proceedings. In exercising his discretion under section 14 with respect to the reporting of minor violations, however, it is expected that the Secretary will take into account evidence that the violation was unintentional. Common carriers are exempted from the penalties of the act other than the penalties for violation of section 11 (maintenance of records and availability thereof) with respect to their usual course of business as a carrier of slaughtered poultry or poultry products owned by another person unless they have knowledge of facts indicating that the poultry or product was not inspected or marked as required by the act.

REPORTING OF VIOLATIONS

Section 14 provides that before institution of any criminal proceeding, the accused shall be given an opportunity to present his views and gives the Secretary discretion regarding the reporting of minor violations for the institution of criminal or injunction proceedings.

REGULATIONS

Section 15 provides for regulations.

EXEMPTIONS

Section 16 authorizes the Secretary by regulation and under such conditions as he may prescribe to exempt, in certain circumstances, from specific provisions of the act—poultry producers, retail dealers, processors as required by recognized religious dietary laws, and instances where the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective

administration of the act, provided that such last exemption shall not be continued on and after July 1, 1960.

VIOLATIONS BY EXEMPTED PERSONS

Section 17 imposes penalties on persons exempt from other provisions of the act under section 16 for selling products which are unwholesome and adulterated.

IMPORTS

Section 18 (a) provides that slaughtered poultry, parts, and products for import must be wholesome, unadulterated, and comply with regulations of the Secretary to assure that they meet the standards provided for in the act. After importation they are subject to the provisions of the Federal Food, Drug, and Cosmetic Act as well as this act. The Department contemplates issuing regulations similar to those for the importation of meat under the Imported Meat Act (19 U. S. C. 1306).

Section 18 (b) authorizes the Secretary to make rules and regulations dealing with the destruction of slaughtered poultry, parts, and products which have been refused admission to this country, unless they be exported by the consignee within the time fixed by rules and regulations prescribed by the Secretary.

Section 18 (c) provides that all costs, such as storage and cartage, shall be paid for by the owner or consignee for slaughtered poultry, parts, and products thereof refused admission under this section.

EXEMPTION FROM FEDERAL FOOD, DRUG, AND COSMETIC ACT

Section 19 (a) provides the same exemption for poultry and poultry products from the Federal Food, Drug, and Cosmetic Act as presently applies to red meats.

COOPERATION WITH OTHER AGENCIES

Section 19 (b) provides for cooperation between Federal and State agencies.

INSPECTION COSTS

Section 20 provides that the cost of inspection, except overtime performed in official establishments, shall be borne by the United States. Overtime may be paid to employees by the Secretary, but the Secretary will be reimbursed by the establishment in which the overtime occurred. This reimbursement shall be available to the Secretary without fiscal-year limitation to carry out the purposes of the section. This will provide continuity in the availability of funds to meet the overtime demands of industry at the beginning of the fiscal year. Appropriations for regular inspection will not be augmented by this provision.

APPROPRIATIONS

Section 21 authorizes appropriations necessary to carry out the act.

SEPARABILITY

Section 22 provides for separability in case any provision is held invalid.

EFFECTIVE DATE

Section 23 makes the act effective upon enactment, but provides that no person shall be subject to the act prior to January 1, 1959, unless such person applies for and receives inspection under the act after January 1, 1958. However, any person who applies for and receives inspection after January 1, 1958, shall be subject to all of the provisions of the act. Between the date of enactment and January 1, 1958, the act would be effective only to permit the Department to work out administrative plans, hire personnel, and perform other functions prerequisite to beginning inspection under the act on January 1, 1958. Processors receiving inspection under the present voluntary program would not be entitled to have inspection costs borne by the Government under this act until January 1, 1958.

COST OF THE PROGRAM

The Department of Agriculture has estimated the initial cost of the program provided by the bill as \$4,750,000 for fiscal year 1958, and the cost for fiscal year 1959 as \$7,750,000 to \$10 million. The Department's estimate is as follows:

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL MARKETING SERVICE,
Washington, D. C., March 28, 1957.

MR. HARKER STANTON,
*Counsel, Senate Committee on Agriculture and Forestry,
Senate Office Building, Washington, D. C.*

DEAR MR. STANTON: This is in reply to your telephone request to the Poultry Division, AMS on March 27, 1957, for the estimated cost of a compulsory poultry inspection program assuming legislation is passed in the current session of Congress. Estimates heretofore have been computed on the assumption that the compulsory inspection program would go into full effect July 1, 1959. Data on this assumption has been provided to the Manpower Utilization Subcommittee of the House Post Office and Civil Service Committee. It is our understanding, based upon the cited telephone conversation, that full effect of the mandatory provisions will be required by January 1, 1959, instead of July 1, 1959, and that the initial activation of the compulsory program insofar as participation of plants is concerned will be changed from "effective upon enactment" to "effective January 1, 1958."

In view of the current date and the time which will elapse before passage of the bill it is unlikely that an appropriation for compulsory inspection will be requested for the fiscal year 1957. However, it is estimated that \$4,750,000 will be required for fiscal year 1958.

In previous consideration of the program based on the "effective upon enactment * * *" to July 1, 1959, schedule, it had been estimated that about \$7,750,000 would be necessary to finance the program in the fiscal year 1959. However, the current interest in the program based upon the accelerated rate of new applications for service under

the voluntary poultry inspection program indicates that total coverage may be 300 plants more than initially contemplated. Accordingly estimates for fiscal year 1959 range from \$7,750,000 to \$10 million depending upon the undetermined number of additional plants considered, the change in the effective date, plus providing for added requirements for antemortem inspection. As the number of plants subject to this legislation cannot be determined accurately until a survey is made, it will be impossible to develop a more effective estimate until the 1959 budget is formulated.

Sincerely yours,

ROY W. LENNARTSON,
Deputy Administrator for Marketing Service.

○

Calendar No. 191

85TH CONGRESS
1ST SESSION

S. 1747

[Report No. 195]

IN THE SENATE OF THE UNITED STATES

MARCH 28, 1957

Mr. ELLENDER, from the Committee on Agriculture and Forestry, reported the following bill; which was ordered to be placed on the calendar

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

5 LEGISLATIVE FINDING

6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome and adulterated poultry products in the channels
11 of interstate or foreign commerce are injurious to the public

1 welfare, adversely affect the marketing of wholesome poultry
2 products, result in sundry losses to producers, and destroy
3 markets for wholesome poultry products. The marketing of
4 wholesome poultry products is affected with the public inter-
5 est and directly affects the welfare of the people. All poultry
6 and poultry products which have or are required to have
7 inspection under this Act are either in the current of inter-
8 state or foreign commerce or directly affect such commerce.
9 That part that enters directly into the current of interstate
10 or foreign commerce cannot be effectively inspected and
11 regulated without also inspecting and regulating all poultry
12 and poultry products processed or handled in the same
13 establishment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popula-
16 tion may directly affect the movement of poultry and poul-
17 try products in interstate commerce. To protect interstate
18 commerce in poultry and poultry products inspected for
19 wholesomeness, from being adversely burdened, obstructed,
20 or affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture upon request of the appropriate
22 authority should hold public hearings to ascertain from time
23 to time and to designate cities or areas where poultry or
24 poultry products are handled or consumed in such volume as

1 to affect the movement of inspected poultry or poultry prod-
2 ucts in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to pre-
7 vent the movement in interstate or foreign commerce or in a
8 designated major consuming area of poultry products which
9 are unwholesome, adulterated, or otherwise unfit for human
10 food.

11 DEFINITIONS

12 SEC. 4. For purposes of this Act except where the con-
13 text indicates otherwise—

14 (a) The term “commerce” means commerce between
15 any point in any State, Territory, or possession, or the Dis-
16 trict of Columbia, and any place outside thereof; or between
17 points within the same State or the District of Columbia, but
18 through any place outside thereof; or within the District of
19 Columbia.

20 (b) The term “Secretary” means the Secretary of Ag-
21 riculture.

22 (c) The term “person” means any individual, partner-
23 ship, corporation, association, or any other business unit.

1 (d) The term "poultry" means any live or slaughtered
2 domesticated bird.

3 (e) The term "poultry product" means any poultry
4 which has been slaughtered for human food from which the
5 blood, feathers, feet, head and viscera have been removed in
6 accordance with rules and regulations promulgated by the
7 Secretary, any edible part of poultry, or unless exempted
8 by the Secretary, any human food product consisting of any
9 edible part of poultry separately or in combination with other
10 ingredients.

11 (f) The term "wholesome" means sound, healthful,
12 clean and otherwise fit for human food.

13 (g) The term "unwholesome" means:

14 (1) Unsound, injurious to health or otherwise rendered
15 unfit for human food.

16 (2) Consisting in whole or in part of an filthy, putrid,
17 or decomposed substance.

18 (3) Processed, prepared, packed, or held under un-
19 sanitary conditions whereby a poultry carcass or parts
20 thereof or any poultry product may have become contam-
21 inated with filth or whereby a poultry product may have
22 been rendered injurious to health.

23 (4) Produced in whole or in part from poultry which
24 has died otherwise than by slaughter.

25 (5) Packaged in a container composed of any poisonous

1 or deleterious substance which may render the contents in-
2 jurious to health.

3 (h) The term "adulterated" shall apply to poultry
4 and poultry products under one or more of the following
5 circumstances:

6 (1) If they bear or contain any poisonous or deleterious
7 substance which may render them injurious to health; but,
8 in case the substance is not an added substance, such poultry
9 and poultry products shall not be considered adulterated
10 under this clause if the quantity of such substance in such
11 poultry and poultry products does not ordinarily render them
12 injurious to health.

13 (2) If they bear or contain any added poisonous or
14 added deleterious substance, unless such substance is per-
15 mitted in their production or unavoidable under good manu-
16 facturing practices as may be determined by rules and
17 regulations hereunder prescribed by the Secretary or other
18 provisions of Federal law limiting or tolerating the quantity
19 of such added substance on or in such poultry and poultry
20 products, but any quantity of such added substance exceeding
21 the limits so fixed shall also be deemed to constitute
22 adulteration.

23 (3) If any substance has been substituted, wholly or
24 in part, therefor.

1 (4) If damage or inferiority has been concealed in any
2 manner.

3 (5) If any valuable constituent has been in whole or in
4 part omitted or abstracted therefrom.

5 (6) If any substance has been added thereto or mixed
6 or packed therewith so as to increase its bulk or weight, or
7 reduce its quality or strength, or make it appear better or
8 of greater value than it is.

9 (i) The term "inspector" means any employee of the
10 Federal or a State government authorized by the Secretary
11 of Agriculture to inspect poultry and poultry products under
12 the authority of this Act.

13 (j) The term "official inspection mark" means the
14 symbol, formulated pursuant to rules and regulations pre-
15 scribed by the Secretary, stating that the product was
16 inspected.

17 (k) The term "inspection service" means the official
18 Government service within the Department of Agriculture
19 having the responsibility for the inspection for wholesomeness
20 of poultry and poultry products, and for carrying out the
21 provisions of this Act.

22 (l) The terms "container" or "package" include any
23 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
24 or cover.

25 (m) The term "official establishment" means any

1 establishment as determined by the Secretary at which in-
2 spection of the slaughter of poultry, or the processing of
3 poultry products, is maintained under the authority of this
4 Act.

5 (n) The term "label" means any written, printed, or
6 graphic material upon the shipping container, if any, or upon
7 the immediate container, including but not limited to an
8 individual consumer package, of the poultry product, or
9 accompanying such product.

10 (o) The term "shipping container" means any con-
11 tainer used or intended for use in packaging the product
12 packed in an immediate container.

13 (p) The term "immediate container" includes any con-
14 sumer package; or any other container in which poultry
15 carcasses or poultry products, not consumer packaged, are
16 packed.

17 DESIGNATION

18 SEC. 5. The Secretary is authorized, upon application
19 of the State agency, if any, having responsibility for ad-
20 ministering and enforcing State poultry inspection laws, or
21 if there is no such State agency, upon application of any
22 appropriate State or local official or of any appropriate
23 poultry industry group, to ascertain through public hearing
24 whether the volume of poultry or poultry products mar-
25 keted in a major consuming area is such as to affect, burden

1 or obstruct the movement of inspected poultry or
2 poultry products in commerce. If the Secretary finds after
3 such public hearing that the inspection of all poultry mar-
4 keted in such major consuming area will effectuate the pur-
5 poses of this Act, he shall by order designate and define
6 such major consuming area. Such designation shall not
7 become effective until six months after notice thereof is
8 published in the Federal Register. On and after the effec-
9 tive date of such designation, all poultry and poultry prod-
10 ucts processed, sold, received, or delivered in any such
11 designated major consuming area shall be subject to the
12 provisions of this Act, except that the Secretary may grant
13 such exemptions therefrom as he determines practicable.

14 INSPECTION, REINSPECTION, AND QUARANTINE

15 SEC. 6. (a) ANTE MORTEM INSPECTION.—For the pur-
16 pose of preventing the entry into or flow or movement in
17 commerce or in a designated major consuming area of any
18 poultry product which is unwholesome or adulterated, the
19 Secretary shall, whenever processing operations are being
20 conducted, make such ante mortem examination and inspec-
21 tion of poultry about to be slaughtered as he deems necessary.

22 (b) POST MORTEM EXAMINATION.—For the purposes
23 hereinbefore set forth, the Secretary, under rules and regu-
24 lations by him prescribed, shall whenever processing opera-
25 tions are being conducted cause to be made by inspectors, in

1 each poultry processing establishment engaged in processing
2 for commerce or for or in a designated major consuming area
3 a post mortem examination and inspection of the carcass of
4 each bird processed. Poultry products found to be sound,
5 healthful, wholesome, unadulterated, and fit for human food
6 shall be labeled in accordance with the provisions of this Act.
7 All poultry carcasses and parts thereof and poultry products
8 thus inspected and found to be unwholesome or adulterated
9 shall be condemned and shall, if no appeal be taken from such
10 determination of condemnation, be destroyed for human food
11 purposes under the supervision of an inspector: *Provided*,
12 That carcasses, parts, and products, which may by reprocess-
13 ing be made not unwholesome and not adulterated, need not
14 be so condemned and destroyed if so reprocessed under the
15 supervision of an inspector and thereafter found to be not
16 unwholesome and not adulterated. If an appeal be taken
17 from such determination, the product shall be appropriately
18 marked and segregated pending completion of an appeal
19 inspection, which appeal shall be at the cost of the appellant
20 if the Secretary determines that the appeal is frivolous. If
21 the determination of condemnation is sustained the product
22 shall be destroyed for human food purposes under the super-
23 vision of an inspector.

24 (c) REINSPECTION.—Under rules and regulations pre-

1 scribed by the Secretary, there shall be reinspection of
2 poultry and poultry products at official establishments as
3 often as may be deemed necessary to insure fitness of poultry
4 products for human consumption. The condemnation and
5 destruction procedures prescribed hereunder shall be ap-
6 plicable if necessary, upon such reinspection, notwithstand-
7 ing that such poultry products had been passed and certified
8 in the previous inspection.

9 (d) QUARANTINE AND SEGREGATION.—Under rules
10 and regulations prescribed by the Secretary, inspectors
11 shall have authority to direct such quarantine or segregation
12 of uninspected, suspect, or condemned live poultry or car-
13 casses or parts thereof at official establishments as will
14 prevent contamination of poultry and poultry products which
15 may be certified as edible for human consumption.

16 SANITATION, FACILITIES, AND PRACTICES

17 SEC. 7. (a) Each official establishment slaughtering
18 poultry or processing poultry products for commerce or in
19 or for marketing in a designated major consuming area shall
20 have such premises, facilities and equipment, and be operated
21 in accordance with such sanitary practices, as are required
22 by regulations promulgated by the Secretary for the purpose
23 of preventing the entry into or flow or movement in com-
24 merce or in a designated major consuming area, of poultry

1 products which are unwholesome, adulterated, or otherwise
2 unfit for human food.

3 (b) The Secretary shall refuse to render inspection to
4 any establishment whose premises, facilities, or equipment,
5 or the operation thereof, fail to meet the requirements of this
6 section.

7 LABELING

8 SEC. 8. (a) Each shipping container of any poultry
9 product inspected under the authority of this Act and found
10 to be wholesome and not adulterated, shall at the time such
11 product leaves the official establishment bear, in distinctly
12 legible form, the official inspection mark, and the approved
13 plant number of the official establishment in which the con-
14 tents were processed. Each immediate container of any
15 poultry product inspected under the authority of this Act
16 and found to be wholesome and not adulterated shall
17 at the time such product leaves the official establishment
18 bear, in addition to the official inspection mark, in distinctly
19 legible form, the name of the product, a statement of ingredi-
20 ents if fabricated from two or more ingredients, the net
21 weight or other appropriate measure of the contents, a state-
22 ment of any artificial flavoring, artificial coloring, or chem-
23 ical preservative it bears or contains, the name and ad-
24 dress of the processor and the approved plant number

1 of the official establishment in which the contents were
2 processed. The name and address of the distributor may
3 be used in lieu of the name and address of the processor
4 if the approved plant number is used to identify the official
5 establishment in which the poultry product was prepared
6 and packed. The Secretary may permit reasonable varia-
7 tions and grant exemptions from the foregoing labeling re-
8 quirements in any manner not in conflict with the Federal
9 Food, Drug, and Cosmetic Act.

10 (b) The use of any written, printed or graphic matter
11 upon or accompanying any poultry product inspected or
12 required to be inspected pursuant to the provisions of this Act
13 or the container thereof which is false or misleading in any
14 particular is prohibited. No poultry products inspected or
15 required to be inspected pursuant to the provisions of this
16 Act shall be sold or offered for sale by any person, firm, or
17 corporation under any false or deceptive name; but estab-
18 lished trade name or names which are usual to such products
19 and which are not false and deceptive and which shall be
20 approved by the Secretary are permitted. If the Secretary
21 has reason to believe that any label in use or prepared for
22 use is false or misleading in any particular, he may direct
23 that the use of the label be withheld unless it is modified in
24 such manner as the Secretary may prescribe so that it will
25 not be false or misleading. If the person using or proposing

1 to use the label does not accept the determination of the
2 Secretary, he may request a hearing, but the use of the
3 label shall, if the Secretary so directs, be withheld pending
4 hearing and final determination by the Secretary. Any such
5 determination by the Secretary shall be conclusive unless
6 within thirty days after the receipt of notice of such final
7 determination the person adversely affected thereby appeals
8 to the United States court of appeals for the circuit in which
9 he has his principal place of business or to the United States
10 Court of Appeals for the District of Columbia Circuit. The
11 provisions of section 204 of the Packers and Stockyards Act
12 of 1921, as amended, shall be applicable to appeals taken
13 under this section.

14 PROHIBITED ACTS

15 SEC. 9. The following acts or the causing thereof are
16 hereby prohibited:

17 (a) The processing, sale or offering for sale, transporta-
18 tion, or delivery or receiving for transportation, in commerce
19 or in a designated major consuming area, of any poultry
20 product, unless such poultry product has been inspected for
21 wholesomeness and unless the shipping container and the
22 individual consumer package, if any, are marked in accord-
23 ance with the provisions of this Act.

24 (b) The sale or other disposition for human food of
25 any poultry or poultry products, which has been inspected

1 and declared to be unwholesome or adulterated under this
2 Act.

3 (c) Falsely making or issuing, altering, forging, simu-
4 lating, or counterfeiting any official inspection certificate,
5 memorandum, mark, or other identification, or device for
6 making such mark or identification, used in connection with
7 the inspection of poultry or poultry products under this
8 Act, or causing, procuring, aiding, assisting in, or being a
9 party to, such false making, issuing, altering, forging, simu-
10 lating, or counterfeiting, or possessing, without promptly
11 notifying the Secretary of Agriculture or his representative,
12 uttering, publishing, or using as true, or causing to be
13 uttered, published, or used as true, any such falsely made
14 or issued, altered, forged, simulated, or counterfeited official
15 inspection certificate, memorandum, mark or other identi-
16 fication, or device for making such mark or identification,
17 or representing that any poultry or poultry product has been
18 officially inspected under the authority of this Act when such
19 poultry or poultry product has in fact not been so inspected.

20 (d) Using in commerce, or in a designated major
21 consuming area, a false or misleading label on any poultry
22 product.

23 (e) The use of any container bearing an official in-
24 spection mark except for the poultry product in the original

1 form in which it was inspected and covered by said mark
2 unless the mark is removed, obliterated, or otherwise de-
3 stroyed.

4 (f) The refusal to permit access by any duly authorized
5 representative of the Secretary, at all reasonable times, to
6 the premises of an establishment engaged in processing
7 poultry or poultry products for commerce, or in or for
8 marketing in a designated major consuming area, upon
9 presentation of appropriate credentials.

10 (g) The refusal to permit access to and the copying
11 of any record as authorized by section 11 of this Act.

12 (h) The using by any person to his own advantage, or
13 revealing, other than to the authorized representatives of
14 the Government in their official capacity, or to the courts
15 when relevant in any judicial proceeding under this Act,
16 any information acquired under the authority of this Act,
17 concerning any matter which as a trade secret is entitled
18 to protection.

19 (i) Delivering, receiving, transporting, selling, or offer-
20 ing for sale or transport any poultry slaughtered for human
21 food or any part thereof, separately or in combination with
22 other ingredients (other than poultry products as defined in
23 this Act), in commerce or from an official establishment
24 or in a designated major consuming area, except that such

1 poultry may be permitted to be transported between official
2 establishments and the foreign countries pursuant to rules
3 and regulations prescribed by the Secretary.

4 SEC. 10. No establishment processing poultry or poultry
5 products for commerce or in or for marketing in a designated
6 major consuming area shall process any poultry or poultry
7 product except in compliance with the requirements of this
8 Act.

9 RECORDS OF INTERSTATE SHIPMENT

10 SEC. 11. For the purpose of enforcing the provisions of
11 this Act, persons engaged in the business of processing trans-
12 porting, shipping, or receiving poultry slaughtered for
13 human consumption or poultry products in commerce or in
14 a designated major consuming area, or holding such products
15 so received shall maintain records for a period of two years
16 following the transaction, showing, to the extent that they
17 are concerned therewith, the receipt, delivery, sale, move-
18 ment, or disposition of poultry and poultry products and
19 shall, upon the request of a duly authorized representa-
20 tive of the Secretary, permit him at reasonable times to have
21 access to and to copy all such records.

22 INJUNCTION PROCEEDINGS

23 SEC. 12. The district courts of the United States are
24 vested with jurisdiction specifically to enforce, and to pre-
25 vent and restrain violations of this Act. The remedies

1 provided for in this section shall be in addition to, and not
2 exclusive of, any of the remedies or penalties provided for
3 elsewhere in this Act or now or hereafter existing at law or
4 in equity.

5 PENALTIES

6 SEC. 13. (a) Any person who violates the provisions
7 of section 9, 10, 11, or 18, shall be guilty of a misdemeanor
8 and shall on conviction thereof be subject to imprisonment
9 for not more than one year, or a fine of not more than
10 \$5,000, or both such imprisonment and fine; but if such
11 violation is committed after a conviction of such person
12 under this section has become final such person shall be
13 subject to imprisonment for not more than two years, or
14 a fine of not more than \$10,000, or both such imprisonment
15 and fine.

16 (b) No carrier shall be subject to the penalties of this
17 Act, other than the penalties for violation of section 11, by
18 reason of his receipt, carriage, holding, or delivery, in the
19 usual course of business as a carrier, of slaughtered poultry
20 or poultry products, owned by another person unless the car-
21 rier has knowledge, or is in possession of facts which would
22 cause a reasonable person to believe that such slaughtered
23 poultry or poultry products were not inspected or marked
24 in accordance with the provisions of this Act or were not
25 otherwise eligible for transportation under this Act.

1 (c) In construing or enforcing the provisions of sec-
2 tions 9, 10, 11, and 18, the act, omission, or failure of any
3 person acting for or employed by any individual, partnership,
4 corporation, or association within the scope of his employ-
5 ment or office shall in every case be deemed the act, omis-
6 sion, or failure of such individual, partnership, corporation,
7 or association, as well as of such person.

8 REPORTING OF VIOLATIONS

9 SEC. 14. Before any violation of this Act is reported by
10 the Secretary to any United States attorney for institution
11 of a criminal proceeding, the person against whom such pro-
12 ceeding is contemplated shall be given reasonable notice of
13 the alleged violation and opportunity to present his views
14 orally or in writing with regard to such contemplated pro-
15 ceeding. Nothing in this Act shall be construed as requiring
16 the Secretary to report for criminal prosecution or for the
17 institution of injunction proceedings minor violations of this
18 Act whenever he believes that the public interest will be
19 adequately served and compliance with the Act obtained by
20 a suitable written notice or warning.

21 REGULATIONS

22 SEC. 15. The Secretary shall promulgate such rules and
23 regulations as are necessary to carry out the provisions of
24 this Act.

EXEMPTIONS

SEC. 16. (a) The Secretary is authorized, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, to exempt from specific provisions of this Act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers only, if such poultry producers do not engage in the buying or selling of poultry products other than those produced from poultry raised on their own farms;

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however,* That no such exemption shall continue in effect on and after July 1, 1960; and

1 (4) persons slaughtering, processing, or otherwise
2 handling poultry or poultry products which have been
3 or are to be processed as required by recognized reli-
4 gious dietary laws, to the extent that the Secretary
5 determines necessary to avoid conflict with such require-
6 ments while still effectuating the purposes of this Act.

7 (b) The Secretary may by order suspend or terminate
8 any exemption under this section with respect to any person
9 whenever he finds that such action will aid in effectuating
10 the purposes of this Act.

11 VIOLATIONS BY EXEMPTED PERSONS

12 SEC. 17. Any person who sells, delivers, transports or
13 offers for sale or transportation in commerce or in a desig-
14 nated major consuming area any poultry or poultry prod-
15 ucts which are exempt under section 16, and which are
16 unwholesome or adulterated and are intended for human
17 consumption, shall be guilty of a misdemeanor and shall on
18 conviction thereof be subject to the penalties set forth in
19 section 13.

20 IMPORTS

21 SEC. 18. (a) No slaughtered poultry, or parts or prod-
22 ucts thereof, of any kind shall be imported into the United
23 States unless they are healthful, wholesome, fit for human
24 food and not adulterated and contain no dye, chemical,
25 preservative, or ingredient which renders them unhealthful,

1 unwholesome, adulterated, or unfit for human food and
2 unless they also comply with the rules and regulations made
3 by the Secretary of Agriculture to assure that imported
4 poultry or poultry products comply with the standards pro-
5 vided for in this Act. All imported slaughtered poultry,
6 or parts or products thereof, shall after entry into the United
7 States in compliance with such rules and regulations be
8 deemed and treated as domestic slaughtered poultry, or parts
9 or products thereof, within the meaning and subject to the
10 provisions of this Act and the Federal Food, Drug, and
11 Cosmetic Act, and Acts amendatory of, supplemental to, or
12 in substitution for such Acts.

13 (b) The Secretary of Agriculture is authorized to make
14 rules and regulations to carry out the purposes of this section
15 and in such rules and regulations the Secretary of Agriculture
16 may prescribe the terms and conditions for the destruction
17 of all slaughtered poultry, or parts or products thereof,
18 offered for entry and refused admission into the United States
19 unless such slaughtered poultry, or parts or products thereof,
20 be exported by the consignee within the time fixed therefor
21 in such rules and regulations.

22 (c) All charges for storage, cartage, and labor with re-
23 spect to any product which is refused admission pursuant to
24 this section shall be paid by the owner or consignee, and in
25 default of such payment shall constitute a lien against any

1 other products imported thereafter by or for such owner or
2 consignee.

3 GENERAL PROVISIONS

4 SEC. 19. (a) Poultry and poultry products shall be
5 exempt from the provisions of the Federal Food, Drug, and
6 Cosmetic Act, as amended, to the extent of the application
7 or the extension thereto of the provisions of this Act.

8 (b) In carrying out the provisions of this Act, the
9 Secretary may cooperate with other branches of government
10 and with State agencies and may conduct such examinations,
11 investigations and inspections as he determines practicable
12 through any officer or employee of a State commissioned
13 by the Secretary for such purpose.

14 COST OF INSPECTION

15 SEC. 20. The cost of inspection rendered under the re-
16 quirements of this Act shall be borne by the United States,
17 except that the cost of overtime and holiday work performed
18 in establishments subject to the provisions of this Act shall
19 be borne by such establishments. Sums received by the
20 Secretary in reimbursement for sums paid out by him for
21 such premium pay work shall be available without fiscal year
22 limitation to carry out the purposes of this section.

179 1000,000 1000 1000 APPROPRIATIONS 1000,000 1000 1000

21000 SEC. 21. There is hereby authorized to be appropriated
3 such sums as are necessary to carry out the provisions of this
4 Act.

5 SEPARABILITY OF PROVISIONS

6 SEC. 22. If any provision of this Act or the application
7 thereof to any person or circumstances is held invalid, the
8 validity of the remainder of the Act and of the application
9 of such provision to other persons and circumstances shall
10 not be affected thereby.

11 EFFECTIVE DATE

12 SEC. 23. This Act shall take effect upon enactment,
13 except that no person shall be subject to the provisions of
14 this Act prior to January 1, 1959, unless such person after
15 January 1, 1958, applies for and receives inspection for
16 poultry or poultry products in accordance with the pro-
17 visions of this Act and pursuant to regulations promulgated
18 by the Secretary hereunder, in any establishment processing
19 poultry or poultry products in commerce or in a designated
20 major consuming area. Any person who voluntarily applies
21 for and receives such inspection after January 1, 1958, shall
22 be subject, on and after the date he commences to receive

1 such inspection, to all of the provisions and penalties pro-
2 vided for in this Act with respect to all poultry or poultry
3 products handled in the establishment for which said appli-
4 cation for inspection is made.

85TH CONGRESS
1ST SESSION

S. 1747

[Report No. 195]

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. ELLENDER

MARCH 28, 1957

Ordered to be placed on the calendar

April 4, 1957

13. MEATPACKING. Sen. Watkins urged passage of S. 1356, to return to the FTC jurisdiction over unfair trade practices in the meatpacking and distributing industry. He claimed the Department's enforcement of the laws against unfair trade practices is lax and inserted two articles on a food store chain's attempts to escape FTC regulation by entering the meatpacking industry. pp. 4582-4
14. POULTRY. S. 1747, to provide for compulsory poultry inspection, was made the unfinished business. pp. 4575, 4589-90
15. SOIL BANK. Sen. Humphrey inserted a Minn. Legislature resolution urging a corn soil bank program based upon a minimum acreage base of 51 million acres, supports at \$1.50, and a production requirement that supported producers put 15% of their corn acreage allotment in reserves. p. 4521
16. ELECTRIFICATION. Sen. Watkins inserted a speech he had prepared, criticizing the high Hells Canyon dam proposal and asserting that one-seventh of all the flood control and navigation funds expended to date had been spent in Oreg. and Wash. pp. 4549-52
17. SUGAR. Sen. Allott inserted a speech by the President of the U.S. Beet Sugar Ass'n, on the beet sugar industry and the 1956 Sugar Act. pp. 4571-3
18. FLOOD CONTROL. Received from the Housing and Home Finance Agency a proposed bill to amend the Federal Flood Insurance act to remove authority for loan contracts; to the Banking and Currency Committee. p. 4517
The Public Works Committee reported without amendment S. 1682, to approve the Merrimack River flood control compact (S. Rept. 208). p. 4523
19. VEHICLES. Received from General Services Administration a proposed bill to provide for the defense of suits against U.S. employees arising out of operation of motor vehicles as part of their employment; to the Judiciary Committee. p. 4517
20. AREA DEVELOPMENT. Sen. Humphrey inserted a Minn. House resolution urging support for S. 964, the area development bill. p. 4521
21. TRANSPORTATION. Sen. Humphrey inserted a letter of the Lancaster Civic and Commerce Club to the ICC protesting any increase in freight rates. p. 4521
22. SMALL BUSINESS. Sen. Kefauver discussed an increase in the rate of bankruptcies and the problems of small business. pp. 4569-70
Sen. Allott inserted a letter from the regional Director of the Small Business Administration in Denver on meetings in the drought area to bring the agency services to the attention of small business. pp. 4570-1
23. LEGISLATIVE PROGRAM. Sen. Johnson announced the Senate would consider on Mon., Apr. 8, S. 1747, for compulsory poultry inspection, followed by S. 1771, the corn bill, and S. 511, the deferred grazing and protein feed bill. p. 4575
24. ADJOURNED until Mon., Apr. 8. p. 4613

ITEMS IN APPENDIX

25. FARM CREDIT. Sen. Humphrey inserted Wm. Lundell's statement before the Senate Agriculture and Forestry Committee and stated "Senators will find that this statement strongly reinforces the position of the junior Senator from Minnesota that agricultural credit in the great farming areas in the West, particularly those areas which have been stricken by years of drought, has become almost nonexistent." p. A2697
26. DISTRESSED AREAS. Sen. Goldwater urged that all Senators give serious consideration to the full implication of proposals for depressed-area legislation and inserted an editorial on this subject. pp. A2697-8
27. MONOPOLIES. Sen. Kefauver inserted Rep. Patman's statement before the Senate Judiciary Committee in support of S. 11 and H.R. 11, the equality of opportunity bills, which would "plug a loophole" in the Robinson-Patman Act. pp. A2703-7
28. BUDGET. Sen. Talmadge inserted an editorial urging reduction in the budget. p. A2707
Rep. Whitener inserted an editorial, "Economy Must Begin At Home," discussing the budget and stating that expenditures will not be cut as long as the voters at home demand more and more Government service. pp. A2717-8
29. TRANSPORTATION. Rep. Loser inserted a Tenn. State resolution favoring repeal of the excise tax on transportation. pp. A2717-18
30. LIVESTOCK. Rep. Hosmer inserted an editorial pointing out the need for enactment of humane slaughter legislation. p. A2717
31. COTTON. Rep. Kilgore inserted Rep. Poage's statement before the Atlantic Cotton Ass'n discussing problems of the cotton industry and suggesting "recipes for a sound pricing program for cotton." pp. A2719-21
Rep. Whitener expressed concern over the future of legislation which has been proposed for an "equitable cotton acreage allotment program," and inserted an editorial, "Explanation Due From USDA." pp. A2721-2
32. SOIL CONSERVATION. Rep. Jensen commended a booklet published by the Nat'l Ass'n of Soil Conservation Districts in cooperation with national church leaders to commemorate Soil Stewardship Week, May 26 to June 2, 1957. pp. A2722-4
33. SOIL BANK. Rep. Breeding inserted an editorial criticizing certain provisions of the soil bank program and stating that the soil-bank program is for farm relief, not landlord relief." pp. A2724-5

BILLS INTRODUCED

34. DISASTER RELIEF. S. 1808, by Sen. Morse, to provide financial assistance for the rehabilitation of orchards destroyed or damaged by natural disaster; to Agriculture and Forestry Committee. Remarks of author. pp. 4594-8
S. 1809, by Sen. Morse, to amend the Soil Conservation and Domestic Allotment Act, as amended, so as to authorize the inclusion in agricultural conservation programs under such act of activities carried out in connection with the reestablishment of orchards destroyed by production disasters; to Agriculture and Forestry Committee. Remarks of author. pp. 4598-4602

If this had involved only the Dutch case, it might have passed unnoticed, but it established a precedent for all the foreign airlines in the world in our dealings with them. It is obvious that this bill will have some salutary effect upon how we proceed with these negotiations, because the ice has been broken, the door has been opened, and there may be serious consequences to our own national economy.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1423) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 801 of the Civil Aeronautics Act of 1938 (52 Stat. 1014; 49 U. S. C. 601) is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "The issuance, denial, transfer, amendment, cancellation, suspension, or revocation of, and the terms, conditions, and limitations contained in, any certificate authorizing an air carrier to engage in foreign air transportation, or any permit issuable to any foreign air carrier under section 402, shall be subject to the approval of the President of the United States in any case which he determines may affect the national defense or foreign policy of the United States. The President shall report to the Congress any case in which he withholds such approval including in such report the action he has ordered the Board to take and his reasons therefor unless he finds such report would be contrary to the interests of national defense or foreign policy, which finding he shall communicate to the Congress."

SEC. 2. Section 802 of such act is hereby amended by adding at the end thereof the following new sentence:

"Such negotiations shall be conducted in accordance with the principles set forth in section 1102 (b) of this Act."

SEC. 3. Section 1102 of such act is hereby amended by inserting after "1102." (a)"; and by adding the following new subsection:

"(b) Discussions or negotiations with representatives of a foreign country or foreign countries for the conclusion or modification of any treaty, convention, or agreement regarding the establishment or development of air navigation, including air routes and services, shall be conducted in accordance with the following principles:

"(1) The Board shall advise any air carrier whose interests it knows or reasonably should know will be affected, and shall fully consult with its representatives, both prior to and during any such discussions or negotiations.

"(2) A representative of the air carriers shall be made a duly accredited member of the United States delegation to any formal negotiations. He may attend all negotiating sessions and meetings of delegation, and shall be given a fair and reasonable opportunity to consult with his principals during and throughout the negotiations and before any ultimate decision is reached."

Mr. MORSE obtained the floor.

Mr. THURMOND. Mr. President—

Mr. MORSE. Mr. President, I yield to the Senator from South Carolina [Mr. THURMOND], with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized. The Senator from Oregon will not lose his right to the floor.

SCHOOL PUPILS REQUEST BUDGET REDUCTION

Mr. THURMOND. Mr. President, I have received a letter from the St. Johns High School in Charleston County and I would like to read the following three paragraphs from that letter at this time because it deals with a very important subject:

We, the students of St. Johns High School and future voters, have a complaint.

On December 26, the New York Daily News reported that our national debt was approximately \$280,000,000,000. The combined debt of 26 countries of economic importance was \$153,738,000,000. The United Kingdom, France, and Germany were included among the countries named.

Why should our country pay off the national debts of other countries at our expense? In our opinion most of the foreign aid we give is doing just this. The budget which the President has proposed is entirely too large and outrageous. We believe that you, as our elected representative, should and will do something about the waste and extravagance of the Federal Government. In our opinion the budget must be cut drastically.

Mr. President, the people of this country are seriously concerned over the size of the Federal budget and the size of the public debt.

Every day I am hearing from the people of my State on this subject. They want to see Congress reduce the proposed budget for 1958 and they want to see a start made on reduction of the public debt.

The thing that impresses me with this particular letter is that the young people of this country are becoming aware of the vital import the budget has for them in the future.

They are looking to the Congress collectively and the Members individually to do something about economy in Government. These young people, who will be the voting citizens of tomorrow, realize that excessive spending today by the Federal Government means that they will have to pay the bills tomorrow. We know this is true because today we are paying the debts of the post-war days of World War II, as well as World War I obligations.

The young people who wrote this letter state that their faith is being quite shaken, with reference to Congress. I can well understand their view if we fail to make some reductions in the budget.

We must restore the faith of these young people who recognize the evils of foreign aid and the stupendous size of the public debt.

Nonessential spending must be stopped. I intend to do everything in my power to help renew the faith of these South Carolina students, and of all the people, in the Federal Government. I hope there will be a majority in the Senate and in the House of Representatives who recognize the necessity for facing this task and wielding the economy ax.

Dollars today will only be worth dimes tomorrow if we do not stop spending more each year in times of prosperity and thus adding to the spiral of inflation.

I am confident the American system of government cannot be destroyed from outside. I do not want to see it destroyed from within by prodigal spending.

There would be no generous godfather in some foreign land to take Uncle Sam's place—if Uncle Sam's money should run out. The Government of the United States must first be true to the people who pay the bills. Then we can help where help is really needed and where we know the people are not mere green-back friends who would turn to other sources when the American dollars run out.

Mr. President, I ask unanimous consent to have the names of all of the students who signed this letter to be printed in the RECORD at the conclusion of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

John E. Harris, Wade Elsay, Walter C. Richter, Rodney Barnwell, F. W. Glover, Jr., Laney Ayer, Edward H. Townsend, Jr., Richard R. Limehouse, R. Hugh Davis, George R. Jenkins, Perry Koger, Jr., Mary Jean Ansaldi, Merita Eadie, Ann Hilton, E. L. Brinson, Grayce Ramsey, Ruth Spain, Bonnie Humbert, Bernell Higgs, Penny Pye, Virginia Brown, Robert Grimfall, H. L. Biering, English Harrison, Ben Walpole, Jr., Alicia Seabrook, Francis Hills, Townsend Price, Joseph Clyde Fish, Betty Ann Koger, Boone Jenkins, Katherine Wallace, Marion Mitchell, Lewis Mitchell, John A. Hampton, Jr., R. Boyd Hayes, Tommy Davis, Julie Ann Smoak, Bissell Anderson, Roddy Lyman Jeffers, Joanne Suggs, Andrew R. Jackson, Jr.

Mr. THURMOND. I wish to thank my friend, the distinguished Senator from Oregon, for yielding to me at this time.

Mr. MORSE. It is a pleasure to accommodate the Senator.

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. Mr. President, I understand that my friend from Minnesota would like to have me yield to him, but, knowing his proclivities so well, I must ask him for what purpose.

Mr. HUMPHREY. For the purpose of having a certain bill made the unfinished business. Later I shall comment upon the Senator's friendly remark.

Mr. MORSE. I yield for the purpose the Senator has stated, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I move that the Senate proceed to the consideration of Calendar 191, Senate bill 1747.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. With the permission of the Senator from Oregon, let me announce that there is no intention to take up the bill tonight for final action, or even for any comment. The purpose is merely to make it the unfinished business at this time, so that it will be before the Senate when it reconvenes on Monday.

I thank my friend from Oregon.

Mr. MORSE. It is a great pleasure to accommodate my friend from Minnesota.

Mr. President, if I may I shall now proceed.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

AUTHORITY OF COURTS TO SUBPENA UNITED STATES SENATORS AS WITNESSES

Mr. MORSE. Mr. President, I am very desirous of having my friend from Minnesota [Mr. HUMPHREY] remain in the Chamber during my remarks, because I wish publicly to thank him for a great service which he has rendered me today. Whenever I think a wrong has been committed, and I am a participant to the slightest extent in the commission of such wrong, I always, upon obtaining knowledge of it, proceed as rapidly as possible to correct the wrong.

The Senator from Minnesota has performed a very kindly act for me today, in that he has made available to me correspondence which he has conducted with a very able and distinguished Federal judge in the District of Columbia, Judge Luther W. Youngdahl, in regard to a debate which occurred on the floor of the Senate on March 21 and 22, to which incident I shall now address myself.

It will be recalled that on March 21 and 22 we debated on the floor of the Senate the issue as to whether or not one of our colleagues, the Senator from Mississippi [Mr. EASTLAND], should be granted permission by the Senate to respond to a subpoena which we had been advised had been issued against him. In the course of that debate there was considerable discussion of the very important constitutional question involved; namely, whether or not a judge can issue a subpoena applicable to a Senator, in the absence of the Senator himself being involved in the commission of crime.

We were told, in the course of that debate, as the record will show, that the defense had obtained the granting of the issuance of the subpoena, and that counsel for the Government had moved to quash the subpoena on the ground that the court was lacking in jurisdiction to subpoena a United States Senator.

As the record clearly shows, when that representation—and I wish to make it very clear that it was a representation which was honestly made, and I am sure was made on the basis of the belief that that was what had happened in the court—I said, as the record will show, that it drew the issue, and then I proceeded, that night, on March 21, to discuss the legal issue, on the assumption that the motion to quash had been de-

nied, on the basis of the information which had been given to the Senate. As the record will show, I suggested that, as lawyers, we had better determine the facts, and that if they were as represented, then the court, in my judgment, was clearly in error.

With that as a background of the discussion I now wish to carry on, let me say that under date of April 1, the Senator from Minnesota [Mr. HUMPHREY] received from Judge Youngdahl a letter—and I have the Senator's permission to use the letter in this debate. In the course of that letter he said:

I am sure than when Senator MORSE receives the records and gets the true factual picture, he will want to get a correct factual statement in the CONGRESSIONAL RECORD as to what issues were involved. As I explained to you, inasmuch as Senator MORSE discussed it on the floor, I think he would be the proper one to make the correction.

I am very happy to set the record straight, on the basis of what the court transcript of record shows as to what actually happened in the case.

I now wish to discuss briefly the contents of another letter which the Senator from Minnesota received from Judge Youngdahl. I ask permission to have the entire letter from the judge to the Senator from Minnesota printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA,
Washington, D. C., April 1, 1957.
Hon. HUBERT H. HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SENATOR HUMPHREY: I recently presided over the trial of a case in which the defendant, Seymour Peck, was convicted of contempt of Congress. During the course of the trial, a question arose concerning the appearance before the court of Senator JAMES O. EASTLAND. My ruling on that issue provoked considerable debate in the United States Senate.

Now that the trial is over I am writing this letter for two reasons. First, the debate stemmed from a basic misunderstanding as to the nature of my ruling, and I believe that the Senate would be interested in learning what the record reveals. Second, remarks reflecting upon the entire Federal judiciary were made, and I consider it particularly unfortunate when they are the result of a factual misunderstanding.

The court ruling which gave rise to the Senate debates of March 21 and 22 was announced on March 19. At some earlier date the defendant had obtained a subpoena for Senator EASTLAND, who was chairman of the subcommittee before which the defendant's refusal to answer questions took place, and also chairman of the parent body, the Senate Judiciary Committee. The defendant stated that this subpoena was obtained because the Senator's testimony was considered material to his defense. The obtaining of a subpoena, of course, does not require the consent of the court. In fact, the court was not even aware of the existence of the subpoena until March 18. On that date, the attorney for the defendant notified the court of the service of the subpoena. The assistant United States attorney then said that the Government did not intend to call the Senator as a witness and that he believed the Senator's testimony was not material to the defendant's case. He stated that he wished

the court to rule upon the question of whether the Senator's testimony was material, and said that only if the court found it to be so would it be necessary for the Senate to determine whether it would consent to the Senator's appearance. At that time the assistant United States attorney explicitly stated that he did not wish to raise any constitutional question or interpose any senatorial privilege. He made it quite clear that it would not be necessary to reach those questions unless and until the court ruled that the Senator's testimony was material, and the Senate had had the opportunity to determine whether it wished to consent to the Senator's testifying.

Having considered the question of materiality overnight, I read a statement into the record in which I said that in view of the seriousness of the constitutional problem raised by the defense, and in view of the complex nature of some of the issues in the case, I believed that the Senator's testimony would be "helpful." At the conclusion of my statement the Assistant United States Attorney said, "I think your Honor used the expression that you felt that in this particular case the Senator's testimony would be helpful. I don't think that that quite raises the issue that the Senate would like to have before it, namely, that you find it to be material." I replied, "Well, I would be willing to substitute the word 'material' for 'helpful'." The Assistant United States Attorney then said, "In that case I can inform the Senate that you have so found." I am attaching to this letter an extract from the transcript of the trial which sets forth in greater detail some of the discussions concerning this issue.

As can readily be seen from the above, the Government did not wish, at the particular time involved, to raise any question as to Senatorial privilege. It merely wished to obtain a ruling as to the materiality of Senator EASTLAND's testimony. The court at no time had before it the question of whether it was required to quash a subpoena for a Senator whose testimony was considered material, and, of course, did not rule upon that question. The court made it clear at all times that it recognized the privilege of the Senator not to testify if he so chose, and stated that if such were his decision, the trial would proceed without his testimony. In addition, the court said that if the Senator did choose to come, it would make every effort to suit his convenience and that of the Senate. And the court did so. The transcript of the court's statements attached clearly indicates this.

Yet the debate in the Senate was based upon the premise that the court had "refused to grant the motion to quash when objection was raised that the court was lacking in authority to subpoena a Senator to testify in court." (CONGRESSIONAL RECORD, page 3866.) As the CONGRESSIONAL RECORD shows, Senator MORSE attempted to learn the precise nature of the court's ruling. I have great respect for Senator MORSE's ability as a Senator as well as as a lawyer, and I am certain that had he been properly advised, the ensuing debate would not have taken place. In fact, as I read the discussion on the Senate floor, there is no Senator who would have objected to the court's ruling, had the correct information been made available. It therefore seems to me particularly unfortunate that when Senator MORSE asked whether the court had overruled the objection that it was lacking in authority, he was told by Senator EASTLAND, "That is correct."

I might mention, in passing, that the question which the Senate did debate, namely, whether a court must quash a subpoena for a Senator if the United States Attorney asserts the privilege of a Senator to be immune from service of a subpoena, or whether a court is merely without authority

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 9, 1957
For actions of April 8, 1957
85th-1st, No. 61

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HIGHLIGHTS: Senate passed poultry inspection bill. Senate passed deferred grazing bill. House Rules Committee cleared plant pests control bill. House Committee reported bill to extend 1956 price supports for extra long staple cotton. Rep. Knutson criticized Secretary's position on price supports as reported in press. Rep. Lesinski introduced and discussed bill to provide health insurance program for Federal employees. Rep. Dingell urged technical assistance to depressed areas. Sen. Goldwater criticized budget. Senate committee reported bill to authorize training of Federal employees at public or private facilities. Senate committee reported bill to authorize this Department to make loans to desert-land entrymen.

HOUSE

1. INSECT CONTROL. The Rules Committee reported a resolution for consideration of H.R. 3476, to facilitate the regulation, control, and eradication of plant pests. pp. 4716, 4741
2. COTTON. The Agriculture Committee reported without amendment H.R. 3654, to amend the Agricultural Act of 1949 so as to continue the price support for extra long staple cotton at the 1956 rate (H. Rept. 312). p. 4741
3. PRICE SUPPORTS. Rep. Knutson criticized the Secretary's position, as reported in a newspaper, that he favors the elimination of all mandatory farm-price supports. p. 4735
4. FOOD ADDITIVES. Both Houses received from HEW a proposed bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of chemical additives which have not been adequately tested to establish their safety; to H. Interstate and Foreign Commerce and S. Labor and Public Welfare Committees. pp. 4654, 4740

5. FOREIGN TRADE. Rep. Bailey spoke in opposition to congressional approval for U.S. membership in the Organization for Trade Cooperation, and criticized the President's rejection of recent recommendations of the Tariff Commission under the escape clause of the Trade Agreements Act restricting the importation of certain products. pp. 4736-37
6. FLOOD INSURANCE. Rep. Sullivan criticized the delay in making Federal flood insurance available to the public, and inserted correspondence with the Federal Flood Indemnity Commissioner on the matter. pp. 4737-39
7. INFORMATION. Conferees were appointed on H.R. 4813, to extend the life of the D. C. Auditorium Commission. Senate conferees have not yet been appointed. p. 4708
8. APPROPRIATIONS. Passed with amendments H.R. 6500, the D. C. appropriation bill for 1958. pp. 4723-35

9. HOUSING. The Banking and Currency Committee reported without amendment H.R. 6659, to extend and amend laws relating to the provision and improvement of housing. (H. Rept. 313). p. 4741

The bill includes a provision directing the Housing and Home Finance Agency to carry out a study of farm housing, including development of information on the adequacy of existing housing, needs for housing, problems faced by farmers in connection with housing, interrelation of farm and city housing, etc.; provides that such research shall be conducted by the land-grant colleges and shall be financed by HHFA; and authorizes such grants not exceeding \$300,000 for each of the years 1958 and 1959.

SENATE

10. POULTRY. Passed with amendments S. 1747, providing for the compulsory inspection by this Department of poultry and poultry products (pp. 4667-81). Agreed to an amendment by Sen. Revercomb to limit such inspection to poultry about to be slaughtered at the processing plant (pp. 4674-5). By unanimous consent two typographical errors were corrected (p. 4667).

Sen. Malone inserted a Nev. Legislature resolution urging a Federal system of poultry inspection similar to that for other meats. p. 4658

11. DROUGHT RELIEF. Passed H.R. 2367, to provide a deferred grazing program for drought stricken areas, inserting the text of S. 511, and with an amendment by Sen. Johnson to provide payments equal to the fair rental value of the land instead of establishing this as the maximum (pp. 4683-4). pp. 4681-97
12. CORN. S. 1771, to provide for a 1957 corn-base acreage of 51 million acres, was made the unfinished business. p. 4697
13. BUDGETING. Sen. Goldwater criticized the current levels of Government spending and taxation, and inserted an anonymous article, "How Freedom Vanished In The Ancient World By Popular Vote." pp. 4698-4705
Received an Ark. Legislature resolution urging support of five constitutional amendments, including the Byrd-Bridges balanced budget amendment, the Reed-Dirksen amendment to limit the top rate of income taxes, and the Bricker amendment. p. 4655
14. SOIL CONSERVATION. Received an audit report from the Comptroller General of the Agricultural Conservation Program Service for fiscal 1955. p. 4654

death of a man who had served his country long, and to its satisfaction. And there was a severe blow to the good repute of the United States. The first is irreparable; the second can only be made good if there is a thorough appreciation of the errors that led to it.

Dr. Norman was linked to Communist activities—allegedly occurring during his student days in the United States in 1940—in testimony released by congressional investigators in 1951. At that time he was a Canadian delegate to the United Nations; the Canadian Government formally protested the publication of the material, and later reported that a double security check had cleared Dr. Norman. The allegations were revived at the appearance on March 13, during the questioning before the Senate Internal Security Subcommittee of Mr. John K. Emmerson, counselor for the United States Embassy in Lebanon—although Mr. Emmerson's own testimony was to the opposite effect.

According to Senator WATKINS, a member of the subcommittee, the State Department assented to making the testimony public through an acting security chief who did not consult higher officials. When the transcript was released by the subcommittee on March 14, the Canadian Government again protested, and the State Department replied that the United States "has every confidence in the Canadian Government's judgment in the selection of its official representatives." But when Mr. Emmerson returned before the subcommittee to make corrections in the record, when the allegations against Dr. Norman were repeated (although the witness' testimony was still favorable to him), the transcript was again made public.

The public revival of the 1951 charges has been officially stated by Canadian authorities to have contributed to Dr. Norman's suicide. With virtual unanimity, Canada—in Parliament, in church organizations, and other groups—has denounced the subcommittee action. So has the press of Japan, where Dr. Norman was born, and later served. Moscow is gleefully capitalizing on what it calls the persecution of Dr. Norman.

The United States must ask itself what conceivable good the publication of the charges against Dr. Norman could do that might offset the harm that has demonstrably been inflicted on Dr. Norman, and on America's standing with two friendly nations in particular and in world opinion generally. No responsible American can doubt the need for thorough and continuous investigation of all possible sources of subversion, domestic and foreign. As Senator WATKINS said during the hearings: "However, we certainly ought to get whatever information we can that would help our own country and its actions with another nation. What we do about it after we get that information—how we handle it, and so on—that is another matter, entirely a different matter." We are certain that Senator WATKINS, who has admitted his serious misgivings over the release of the testimony would agree that the handling of it by the State Department and the subcommittee was in this instance wholly wrong. It must never be repeated.

[From the Christian Science Monitor of April 6, 1957]

EXPENSIVE RED HUNTING

The worldwide condemnation now raining on the United States because of the suicide of the Canadian Ambassador to Egypt may be unfair. In any such case primary responsibility must rest on the individual. But unfortunately the American people cannot say that they have no responsibility for the tragic ending of a brilliant career.

For Herbert Norman was reported burdened both by work and by a sense of persecution following reports from the Eastland-

Jenner Senate Subcommittee on Internal Security that he had once been a Communist. The Canadian Government, which long ago cleared him of such charges, vigorously protested the committee action.

And the hard fact now is that non-Communist peoples and governments around the world are—fairly or unfairly—laying it at the door of the American people and Government. Staunch fighters against communism in countries where it is a daily threat have been puzzled by some American Red-hunting methods. They ask why the job is not left to professionals like the very efficient FBI. "Is it just hysteria or is it politics?" Told that sometimes publicity will serve where proof is not available, they ask again: "But at the price of reckless character assassination?"

In the past the price has been high—injustice to many individuals and the advancement of demagogues to places of power. Today it is higher—anger and contempt from peoples whose friendship and respect would be barriers to communism.

The subcommittee says it was only doing its duty and will continue to do it. The Senate as a whole—and the American people—might well ask whether this kind of "duty" is worth what it costs.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER DISPENSING WITH CALL OF THE CALENDAR

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INSPECTION OF POULTRY AND POULTRY PRODUCTS

The Senate resumed the consideration of the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

Mr. ELLENDER. Mr. President, before proceeding with the discussion of the bill, I should like to propound a unanimous-consent request to make two typographical corrections in the bill, as follows:

On page 4, line 16, strike out "an" and insert "any."

On page 16, line 2, strike out "the" and insert "to."

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). Without objection, the amendments indicated are agreed to.

Mr. ELLENDER. Mr. President, this bill provides for, first, compulsory poultry inspection, second, maintenance of sanitary poultry processing facilities and practices, and third, correct and informative labeling of poultry and poultry

products. It thus extends to poultry and poultry products, provisions similar to those long in effect for meat and meat products.

The desirability of legislation to assure that American poultry products are of the highest quality and purity is generally understood and agreed upon. Last year the Senate Committee on Agriculture and Forestry held extended hearings on two bills, S. 3588 and S. 3983, and unanimously reported S. 4243, a clean bill incorporating the best elements of both the bills considered by the committee. That bill was reported too late in the session to be passed by the Senate, but was widely distributed and considered.

This year the committee had before it three bills, S. 313, S. 645, and S. 1128. The committee held hearings on these three bills; and consideration was given by the committee to each of the differences between the bills and to all the views that were presented at the hearings. On March 20, the committee delegated to the Senator from Delaware [Mr. WILLIAMS], who is one of the sponsors of S. 313, the Senator from Georgia [Mr. TALMADGE], who is the principal sponsor of S. 645, and the Senator from Minnesota [Mr. HUMPHREY], the principal sponsor of S. 1128, the task of working out a bill which would meet as nearly as might be the objectives of all the three bills that had been introduced.

As I recall, those 3 Senators spent 2 afternoons discussing the bill among themselves. They had the assistance of the Office of the General Counsel of the Department of Agriculture and others interested. The pending bill is the result of the work of these three Senators, assisted by the Department of Agriculture and the Food and Drug Administration, both of which were very cooperative with the committee and furnished many suggestions for improvement of the bill. The bill reported was unanimously agreed upon first, by the three Senators I have mentioned, and, subsequently, by the full committee; and its enactment is favored by both the Department of Agriculture and the Food and Drug Administration.

The bill which was drafted and is before the Senate provides for the inspection of all poultry and poultry products processed for sale in interstate commerce or in designated major consuming areas. Poultry, as defined by the bill, is restricted to domesticated birds and does not include commercially produced game birds. The breeders of game birds are usually small operators; slaughtering either is done by hand or may require special adjustments in equipment; the market is a seasonal one and comes at the peak processing season; and the committee felt for these and other reasons they should not be covered by the bill.

A consuming area can be designated under the bill for regulation only if the volume of poultry or poultry products marketed in it is such as to affect, burden, or obstruct the movement of inspected poultry or poultry products in interstate commerce, and then only after public hearing. In any State which has

a State agency responsible for the administration of State poultry inspection law, the hearing can be initiated only upon the request of such State agency. Where there is no such State agency, the request must come from an appropriate State or local official, or from an appropriate industry group.

The bill provides for both ante mortem and post mortem inspection. It requires such ante mortem inspection as the Secretary deems necessary, and carcass by carcass post mortem inspection. Products and parts found unwholesome or adulterated are to be condemned, subject, of course, to appeal. Reinspection, quarantine, and segregation are also provided for.

Processing plants would be required to conform as to premises, facilities, equipment, and operations with sanitary regulations issued by the Secretary of Agriculture.

In order that consumers may be fully informed about the poultry products they purchase, each immediate container must identify the processor, the product, the ingredients, any artificial flavoring or coloring or chemical preservative, and must show the quantity of the product contained and that it has been inspected.

The bill prohibits false or misleading labeling; marketing of uninspected or unlabeled products; sale for food purposes of unwholesome or adulterated products; and the movement, except between official establishments or in foreign commerce, of "New York dressed poultry," as well as other acts, the prohibition of which is necessary to assure the wholesomeness of American poultry products and the proper enforcement of the act. "New York dressed poultry" is poultry which has not been eviscerated. Some witnesses objected to the movement of uneviscerated poultry, even between inspected establishments. However, the committee felt that this movement should be permitted, since the product would be inspected at the receiving plant as well as at the originating plant. Many small plants do not now have eviscerating equipment and may not be prepared at this time to purchase such equipment, which is rather expensive. By permitting them to ship their product to plants with eviscerating equipment, the bill will permit these plants to continue operating and still afford complete protection for the consumer.

The Secretary is authorized by the bill to exempt from specific provisions of the act—poultry producers who sell directly to household consumers; retail dealers who cut up poultry products; any person where inspection is impracticable; and persons slaughtering in accordance with religious dietary laws. These exemptions are contained in section 16 of the bill, which describes the permissible extent and limitation of such exemptions.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. I am glad to yield.

Mr. JAVITS. Am I correct in my understanding that the problems connected with the ritualistic slaughter of poultry are taken care of in the bill?

Mr. ELLENDER. The Senator is correct.

Mr. JAVITS. Such a provision is contained at page 20 of the bill, and that provision gives the necessary authority to the Secretary of Agriculture, as I understand.

Mr. ELLENDER. Yes; that is in section 16.

Mr. JAVITS. That provision deals with those problems?

Mr. ELLENDER. The Senator is correct.

Mr. JAVITS. That is the intention of the committee.

Mr. ELLENDER. The Senator is correct. Instead of defining the subject in the act, we thought it best to leave it to the discretion of the Secretary of Agriculture to make such rules and regulations as in his opinion would be most effective.

Mr. JAVITS. Was that provision satisfactory to the witnesses who appeared before the committee on the subject?

Mr. ELLENDER. I understand it was not, at least not to all of them. Some of them wanted Congress to spell out the exemption in detail. The committee felt that this was a matter to be left to the Secretary. It might develop that the language submitted to the committee would be sufficient to meet the requirements of some religious groups, but not others. On the other hand, the language submitted by some of the witnesses might meet their problems, but also open the door to evasion of the act by others. The committee felt, therefore, that this matter should be left to the Secretary, who should be able to modify the exemption as may appear necessary.

Imported poultry products are covered in the same manner that imported meat products are now covered by law, and the Department of Agriculture has advised that it expects to issue regulations for imported poultry products similar to those for imported meat products.

The bill would be effective immediately to permit the Department of Agriculture to begin planning its operations. Any processor will be able to subject himself to the provisions of the act and thereby obtain the benefits of inspection at the cost of the Government after January 1, 1958. The act will be mandatory for all processors subject to it after January 1, 1959.

It is not contemplated that the act will require any expenditure in the current fiscal year. For the fiscal year ending June 30, 1958, it is estimated that expenditures will amount to about \$4,750,000. For the fiscal year ending June 30, 1959, it is estimated that the cost will range from \$7,750,000 to \$10 million. For succeeding years, when the program is in full operation, the cost is estimated at \$10 million annually. These estimates do not include expenditures which might be required as a result of the designation of consuming areas for regulation, since that cost would depend on the number and size of the areas to be regulated and the additional inspection which would be required as a result of such regulation.

The bill would be administered by the Secretary of Agriculture and would be

handled by such employees and agencies of the Department as the Secretary might specify.

Mr. President, in connection with my statement, I wish to have printed in the RECORD at this point a section-by-section description of the bill appearing in the report of the committee on pages 2, 3, 4, 5, 6, and a part of page 7.

There being no objection, the excerpt from the report (No. 195) was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION EXPLANATION OF BILL SHORT TITLE

Section 1 provides a short title "Poultry Products Inspection Act."

LEGISLATIVE FINDINGS

Section 2 contains legislative findings as to the necessity of the inspection and regulation provided by the act to protect interstate and foreign commerce in poultry and poultry products.

DECLARATION OF POLICY

Section 3 declares the congressional policy, to provide inspection of poultry and poultry products to prevent the movement in interstate or foreign commerce or "designated" major consuming areas of unwholesome or adulterated poultry products.

DEFINITIONS

Section 4 defines terms used in the act. The definition of the terms "unwholesome" and "adulterated," as contained in this bill, cover all points as contained in the definition of "adulteration" in the Federal Food, Drug, and Cosmetic Act. The definition of "unwholesome" makes it clear that carcasses or parts thereof or poultry products produced under unsanitary conditions whereby they may become contaminated or injurious to health will be subject to condemnation. Under the definition although poultry suffering from diseases which systematically affect the bird would be unwholesome, poultry having a localized condition not affecting the wholesomeness of the remainder of the bird would not be classed as "unwholesome" upon removal of the affected area, leaving the remainder wholesome and fit for human consumption. "Inspectors" may be Federal or State employees.

DESIGNATION OF MAJOR CONSUMING AREAS FOR REGULATION

Section 5 authorizes the Secretary of Agriculture after hearing called upon application of a State agency responsible for the administration and enforcement of State poultry inspection laws, or if there is no such agency, then upon application of any appropriate State or local official or of any appropriate poultry industry group, to designate major consuming areas where poultry or poultry products are marketed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate or foreign commerce. Exemptions would also be authorized under this section. Designation would be made by notice in the Federal Register, specifying an effective date not less than 6 months after such notice. The Secretary of Agriculture under this section has full discretion in determining whether a major consuming area shall be designated, taking into consideration the views, evidence, and other data submitted at the hearing and such other information as may be available to him.

ANTE MORTEM AND POST MORTEM INSPECTION

Section 6 (a) requires such ante mortem inspection as the Secretary deems necessary. Section 6 (b) requires a post mortem inspection of each carcass processed in official establishments processing poultry for poultry products for interstate or foreign commerce or in or for major consuming areas designated under section 5. Poultry products and

parts thereof found upon inspection to be unwholesome or adulterated are to be condemned and destroyed for human-food purposes under supervision of an inspector, provided that if reprocessed under such supervision so as to be not unwholesome or adulterated they need not be destroyed for human-food purposes. Provision is made for appeal against condemnation. "Official establishments" are establishments at which inspection is maintained under the authority of the act.)

REINSPECTION, QUARANTINE, SEGREGATION

Section 6 (c) makes provision for reinspection of slaughtered poultry and poultry products as often as the Secretary deems necessary to insure wholesomeness. Section 6 (d) makes provision for the quarantine and segregation of live or slaughtered poultry under rules and regulations as prescribed by the Secretary.

SANITARY REGULATIONS

Section 7 requires official establishments to have premises, facilities, and equipment, and be operated in accordance with sanitary practices required by regulations of the Secretary for the purposes of the act. It will be the duty of the inspection service to enforce these regulations and inspection services will be refused establishments failing to meet the requirements of this section.

LABELING REQUIREMENTS

Section 8 (a) requires shipping containers of poultry products inspected and found wholesome under the act to be labeled with the official inspection mark and approved plant number of the processing plant. Each immediate container is required to bear, in addition to the material required on the shipping container, the name of the product, a statement of ingredients if fabricated from two or more ingredients, a statement of any artificial flavoring, artificial coloring, or chemical preservative it bears or contains, the quantity, and the name and address of either the processing plant or the distributor. The Secretary may permit variation or exemption from the requirements of this subsection not in conflict with the provisions of the Federal Food, Drug, and Cosmetic Act.

FALSE OR MISLEADING LABELING

Section 8 (b) prohibits false or misleading labeling. Subject to administrative and court appeal, the Secretary may direct the modification of any label so that it will not be false or misleading. The Secretary has the same authority with respect to established tradename or names which are usual to such products as he presently has with respect to red meats under the Meat Inspection Act.

PROHIBITED ACTS

Section 9 prohibits—

(a) the processing, sale or offering for sale, introduction, delivery for introduction, transportation, or receiving for transportation, in interstate or foreign commerce or in a designated major consuming area, of any poultry product not inspected and labeled in accordance with the act;

(b) the sale of or other disposition for human food of any poultry or poultry product found unwholesome or adulterated under the act;

(c) forgery and similar specified actions with respect to inspection certificates, marks, and devices, and misrepresentation of products as inspected;

(d) using in interstate or foreign commerce or in designated major consuming areas of false or misleading labeling;

(e) improper use of containers bearing official inspection marks;

(f) refusal to permit access at reasonable times to establishments processing poultry or poultry products for interstate or foreign commerce, or in or for designated major consuming areas;

(g) refusal to permit access to and copying of records as required by section 11;

(h) improper use, or revealing of, information acquired under authority of the act concerning trade secrets;

(i) delivering, receiving, transporting, selling, or offering for sale or transport, in interstate or foreign commerce or designated major consuming areas, poultry slaughtered for human food unless the blood, feathers, feet, head, and viscera have been removed in accordance with rules prescribed by the Secretary. Transport between official establishments or to foreign countries pursuant to rules prescribed by the Secretary would, however, be permitted, provided that poultry for export complies with the laws of the importing country. This would specifically prohibit the movement of New York dressed poultry in commerce or in a designated major consuming area or from an official establishment, except between official establishments and under exemptions under section 5 as authorized by the Secretary. The committee realizes that this provision may cause some problems and that some exemptions may be necessary. In making any such exemptions the Secretary should take all reasonable precautions to assure that only wholesome poultry or poultry products are marketed.

COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

Section 10 prohibits any establishment processing poultry or poultry products for interstate or foreign commerce or in or for a designated major consuming area from processing any poultry or poultry product except in compliance with the act. This would prohibit any such establishment from processing any poultry or poultry product without inspection.

RECORDS

Section 11 requires persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in interstate or foreign commerce or in a "designated" major consuming area, or holding products so received, to maintain records for a period of 2 years following such transactions, and to permit access to and copying of records, showing the movement in such commerce or area, or holding, of any such poultry or product and the quantity, shipper, and consignee thereof.

INJUNCTIONS

Section 12 provides for injunctions to restrain violations.

PENALTIES

Section 13 provides penalties for violation of sections 9, 10, 11, and 18, with increased maximum penalties for second and subsequent offenses. The degree of proof with respect to violations subject to the penalties is the same as in the Meat Inspection Act and the Federal Food, Drug, and Cosmetic Act. It is a program for the protection of the public health comparable to these two acts and, therefore, knowledge or willfulness on the part of the person concerned in a violation is not an element of the violation and need not be established by the Government in enforcement proceedings. In exercising his discretion under section 14 with respect to the reporting of minor violations, however, it is expected that the Secretary will take into account evidence that the violation was unintentional. Common carriers are exempted from the penalties of the act other than the penalties for violation of section 11 (maintenance of records and availability thereof) with respect to their usual course of business as a carrier of slaughtered poultry products owned by another person unless they have knowledge of facts indicating that the poultry or product was not inspected or marked as required by the act.

REPORTING OF VIOLATIONS

Section 14 provides that before institution of any criminal proceeding, the accused shall be given an opportunity to present his views and gives the Secretary discretion regarding the reporting of minor violations for the institution of criminal or injunction proceedings.

REGULATIONS

Section 15 provides for regulations.

EXEMPTIONS

Section 16 authorizes the Secretary by regulation and under such conditions as he may prescribe to exempt, in certain circumstances, from specific provisions of the act—poultry producers, retail dealers, processing as required by recognized religious dietary laws, and instances where the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of the act, provided that such last exemption shall not be continued on and after July 1, 1960.

VIOLATIONS BY EXEMPTED PERSONS

Section 17 imposes penalties on persons exempt from other provisions of the act under section 16 for selling products which are unwholesome and adulterated.

IMPORTS

Section 18 (a) provides that slaughtered poultry, parts, and products for import must be wholesome, unadulterated, and comply with regulations of the Secretary to assure that they meet the standards provided for in the act. After importation they are subject to the provisions of the Federal Food, Drug, and Cosmetic Act as well as this act. The Department contemplates issuing regulations similar to those for the importation of meat under the Imported Meat Act (19 U. S. C. 1306).

Section 18 (b) authorizes the Secretary to make rules and regulations dealing with the destruction of slaughtered poultry, parts, and products which have been refused admission to this country, unless they be exported by the consignee within the time fixed by rules and regulations prescribed by the Secretary.

Section 18 (c) provides that all costs, such as storage and cartage, shall be paid for by the owner or consignee for slaughtered poultry, parts, and products thereof refused admission under this section.

EXEMPTION FROM FEDERAL FOOD, DRUG, AND COSMETIC ACT

Section 19 (a) provides the same exemption for poultry and poultry products from the Federal Food, Drug, and Cosmetic Act as presently applies to red meats.

COOPERATION WITH OTHER AGENCIES

Section 19 (b) provides for cooperation between Federal and State agencies.

INSPECTION COSTS

Section 20 provides that the cost of inspection, except overtime performed in official establishments, shall be borne by the United States. Overtime may be paid to employees by the Secretary, but the Secretary will be reimbursed by the establishment in which the overtime occurred. This reimbursement shall be available to the Secretary without fiscal-year limitation to carry out the purposes of the section. This will provide continuity in the availability of funds to meet the overtime demands of industry at the beginning of the fiscal year. Appropriations for regular inspection will not be augmented by this provision.

APPROPRIATIONS

Section 21 authorizes appropriations necessary to carry out the act.

SEPARABILITY

Section 22 provides for separability in case any provision is held invalid.

EFFECTIVE DATE

Section 23 makes the act effective upon enactment, but provides that no person shall be subject to the act prior to January 1, 1959, unless such person applies for and receives inspection under the act after January 1, 1958. However, any person who applies for and receives inspection after January 1, 1958, shall be subject to all of the provisions of the act. Between the date of enactment and January 1, 1958, the act would be effective only to permit the Department to work out administrative plans, hire personnel, and perform other functions prerequisite to beginning inspection under the act on January 1, 1958. Processors receiving inspection under the present voluntary program would not be entitled to have inspection costs borne by the Government under this act until January 1, 1958.

COST OF THE PROGRAM

The Department of Agriculture has estimated the initial cost of the program provided by the bill as \$4,750,000 for fiscal year 1958, and the cost for fiscal year 1959 as \$7,750,000 to \$10 million.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. COOPER. The exemptions which are noted on page 19 of the bill seem to be perfectly clear. However, in order that they may appear in the legislative record, I should like to ask the distinguished Senator a question.

Mr. ELLENDER. I shall be very happy to yield for a question.

Mr. COOPER. This bill does not apply at all to live poultry. Is it correct to say that a farmer or farm wife who desires to sell slaughtered poultry to a consumer may continue to do so, if this bill should become law?

Mr. ELLENDER. The Senator is correct. The only requirement is that the poultry be grown on the farm of the person asking for the exemption.

Mr. COOPER. The farmer or farm wife could slaughter and sell poultry raised on the home farm but could not buy dressed poultry from other farmers and sell it?

Mr. ELLENDER. The Senator is correct. I also wish to make it clear that the processed poultry must go directly to the consumer, and not to a retailer.

Mr. COOPER. Could a farmer sell slaughtered poultry to a retail store?

Mr. ELLENDER. Not without inspection. Any poultry coming under that category must be inspected. The only exemption is with respect to poultry which is grown by the farmer on his own farm and sold by him directly to the consumer.

Mr. COOPER. Do you mean that a farmer who has been selling a few slaughtered chickens to a retail store could not continue to do so? Is that correct?

Mr. ELLENDER. If the poultry does not go into interstate commerce, and is not to be marketed in an area designated under section 5 of the bill, it would not be covered by the bill.

Mr. COOPER. In other words, if the farmer sells poultry to a store, and the store has a local trade, the farmer would be exempt from the provisions of the bill. Is this correct?

Mr. ELLENDER. If it is sold locally; yes.

Mr. COOPER. I should like to ask the Senator another question. Am I correct in saying that the retail dealer who sells dressed poultry to consumers in the local trade would not come under the provisions of the proposed act. Is that correct?

Mr. ELLENDER. The Senator is correct, assuming either that interstate commerce or a designated area is not involved or that the only processing operation performed by the dealer is the cutting up of poultry products on the premises.

Mr. COOPER. The bill provides also, as I understand, for marking the poultry passing into interstate commerce, as having been inspected.

The bill also provides that a carrier cannot accept for transportation any poultry or poultry products which are not marked as having been properly inspected and approved. Does the Senator believe that a small processor in a small community may be harmed by this bill? What I have in mind is that the inspectors might tend to direct their inspection to the larger processors, from whose businesses most of the poultry would enter interstate commerce. If the inspectors should devote their inspection to the larger processing plants, the smaller processors might be put out of business because they would not be able to ship. Would that be the practical effect?

Mr. ELLENDER. I do not quite understand the import of the Senator's question.

Mr. COOPER. Perhaps I can clarify it. The bill provides that poultry cannot be transported in interstate commerce or into designated areas unless it has been marked as having been inspected and approved.

Mr. ELLENDER. The Senator is correct.

Mr. COOPER. As the Senator knows, there are hundreds of small processors in many communities throughout the country. Does the Senator believe that it would be possible to have the necessary inspections made at all of these small plants? What I am worrying about is that the inspectors would not be stationed almost exclusively in the large processing plants, and that small processors would not be able to have their poultry inspected and therefore could not ship in interstate commerce.

Mr. ELLENDER. Of course, the Secretary of Agriculture would have to furnish the inspection service to all processors covered by the act, both large and small. If it is not practicable to furnish inspection to some processors, the Secretary may exempt such processors from the bill until July 1, 1960.

Mr. COOPER. Is it true that all the provisions of the act will not become effective for 3 years?

Mr. ELLENDER. Insofar as the Department of Agriculture is concerned, the act goes into effect immediately to permit it to work on a program; but no one can obtain the service provided under the bill, that is, have the Government pay for the inspection service, until January 1, 1958. It is made mandatory after January 1, 1959, and then, I

may say, the exceptions to which I have just referred can be maintained by the Secretary of Agriculture where necessary until July 1, 1960. That provision appears in section 16 (a) (3).

Mr. COOPER. What I am trying to find out is whether there is a possibility that if the bill is passed the difficulties of inspection to the large processing plants would be so great—that inspection there being simpler at larger plants—their product would more easily pass into interstate commerce. On the other hand, if prompt inspection could not be furnished to small dealers they could be forced out of business, whereas it will be difficult for the small processing plants throughout the country to obtain the services of inspectors, and, as a result, they will not be able to have their products marked, and thus not be able to sell them, in which event they would have to go out of business. Did the committee consider that the bill, worthy as it is, might have the practical effect of making the large producers even more powerful and perhaps causing the smaller ones to go out of business because they could not get inspection? Is there any possibility of that situation occurring?

Mr. WILLIAMS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Delaware.

Mr. WILLIAMS. I may say to the Senator from Kentucky that that question was raised in the testimony before the committee. The representative of the Secretary of Agriculture gave assurance to the committee that the bill would not have that effect. The Department will be required to provide inspection service in the small plants, so the bill would not have the effect of putting small processors out of business.

This is a mandatory inspection bill. The small plants would be forced to comply with the inspection requirements and the Department must likewise furnish poultry inspection. Therefore, as we pass the mandatory inspection requirement, we pass also the requirement that the Secretary of Agriculture shall provide adequate inspection facilities for the small plants, so that their operations may continue on a normal, functional basis.

Mr. COOPER. I am certain, then, that the chairman of the committee would say that the purpose of the committee was to require that the Secretary of Agriculture should make inspection facilities available in time and equality both to the small and the large processors.

Mr. WILLIAMS. The Senator is correct.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. REVERCOMB. The bill is one of considerable importance to many persons in my State. I am interested in it not only from the standpoint of my State, but also from the standpoint of the country at large. I am sorry I did not hear the earlier discussion of the bill by the Senator from Louisiana, but this thought occurs to me: To what extent

is the inspection of live poultry to be required?

Mr. ELLENDER. That is to be left entirely to the discretion of the Secretary of Agriculture, in the making of rules and regulations for ante-mortem inspection.

Mr. REVERCOMB. The thought which at once arises is that there are people throughout the country, principally farmers, who have considerable flocks of poultry, such as turkeys and chickens. Where would the inspection of the live birds take place?

Mr. ELLENDER. The discretion is left entirely to the Secretary of Agriculture. The inspection of a flock may be made on a farmer's farm, or it may be made when the farmer takes the poultry to the plant, for sale.

The Senator from Delaware is well acquainted with the situation which prevails in his own State. I understand that auction sales of poultry are held from time to time. Many thousands of chickens from a farm are sold. In that case, the Secretary could, if he saw fit, determine by rules and regulations whether the inspection should be made on the farm or when delivery was made to the plant which purchased the poultry. It is left entirely to the Secretary of Agriculture to promulgate the rules and regulations which may be necessary. Ordinarily inspection would take place at the plant.

If the Senator will turn to page 8 of the bill, he will notice the following:

Ante mortem inspection: For the purpose of preventing the entry into or flow or movement in commerce or in a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, whenever processing operations are being conducted, make such ante mortem examination and inspection of poultry about to be slaughtered as he deems necessary.

Mr. REVERCOMB. We have revealed here the very danger that I foresee in the bill. The purpose of the bill is a splendid one; namely, the inspection of food. But if it is proposed to inspect live chickens or live turkeys in the hands of the farmer or the processor, or wherever the inspection may take place, I think we shall be building up a practice which will involve quite a danger in Government oversight and control of the production of poultry. I think it would be perhaps a very good thing to inspect dressed poultry, but when we go to the point of inspecting live birds, I think we will have gone very far in establishing Government control over the production of poultry.

Mr. ELLENDER. I would say that inspection would ordinarily take place at the plant, but there could be occasions, such as cases of epidemics, where inspection at some other point might be advisable. That is why the discretion was left with the Secretary of Agriculture. In that way the rules can be changed or modified to meet different situations. It may be entirely possible that all the poultry will be subject to ante mortem examinations at the plants. If that is the practical way to conduct examinations, the Secretary of Agriculture will have the right so to provide.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the poultry expert, the distinguished Senator from Delaware.

Mr. WILLIAMS. This question was raised in the committee. It is one of the major points, and it was considered last year and again this year. Both the committee and the Department of Agriculture recognized the utter impracticability of ante mortem inspection of poultry, bird by bird. Likewise, the impracticability of inspecting the poultry at the farm was recognized. At the same time, the committee and the Department felt it was necessary to give to the Secretary of Agriculture discretionary authority to make ante mortem inspections. The situation could arise wherein a lot of chickens are brought in from a farm and as they started to come through the line in the processing plant they could be found to be diseased. Certainly the inspector should not sit at the end of the line and let all the diseased poultry run through. The inspector should have the authority, if he felt it to be necessary, to make ante mortem inspections under such circumstances.

Mr. ELLENDER. I call the attention of the Senator from West Virginia to page 8, line 21, where the last phrase reads: "inspection of poultry about to be slaughtered as he deems necessary."

Mr. WILLIAMS. That is correct. The inspection would not be on the farm. The committee ruled against adopting an at-the-farm inspection policy for the reason which the Senator from West Virginia has just raised. But, as I pointed out before, there are times when a flock of poultry consigned to a processing plant may be found to be diseased. We recognized the impracticability of inspecting poultry by individual birds. It is physically impossible to do so.

Only 3 pounds of poultry meat are examined on each inspection. That is an entirely different situation from the inspection of livestock. On the inspection of a steer, from 1,500 to 1,800 pounds of meat are involved. But it is necessary to make 500 inspections to cover 1,500 pounds of poultry meat. So, it was recognized that the bird-by-bird ante mortem inspection was not practicable. Neither was ante mortem inspection at the farm intended.

Mr. REVERCOMB. This discussion has revealed the authority which will be granted to the Secretary of Agriculture to inspect live poultry. A very wide power is given to the Secretary of Agriculture as to when he will inspect, how he will inspect, and where he will inspect live poultry. It seems to me that the very purpose of the bill, namely, to provide pure food, would be accomplished if the inspection were applied to the dressed poultry, and the people who raise poultry were left alone. Most of them are individual farmers who raise small flocks of poultry which they sell, and which mean so much to them in terms of income. If we provide anyone with broad discretion to determine whether those flocks of poultry shall be inspected, I think we provide for a possibility of causing damage to the small farmers. Furthermore, by having the dressed birds inspected, we shall achieve

our purpose of having good food placed on the market.

Mr. WILLIAMS. Mr. President, will the Senator from Louisiana yield to me?

The PRESIDING OFFICER (Mr. MONROE in the chair). Does the Senator from Louisiana yield to the Senator from Delaware?

Mr. ELLENDER. I yield.

Mr. WILLIAMS. The ante mortem inspection would only be made on poultry as it starts through the line and then only under the conditions previously outlined.

The income of poultry farmers is improved as the consumers are given assurance that they will receive a better product and this improved protection certainly will increase the sales.

Mr. CURTIS. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. CURTIS. On page 8 of the bill I see no provision dealing with the poultry as it is about to go through the assembly line to slaughter. I should like to have the distinguished Senator from Delaware state how long a time is meant by the word "about."

Mr. WILLIAMS. Mr. President, if the Senator from Louisiana will yield further to me—

Mr. ELLENDER. I yield.

Mr. WILLIAMS. I agree with the Senator from Nebraska that various interpretations could be made of that provision. All we can state here is the intent of the committee. I believe that from the legislative background, as established both by the hearings and by the discussion on the floor of the Senate here today, Senators will readily be able to determine what the committee intended to have done.

Likewise, our intentions will be clear to the Department of Agriculture. The passage of this bill will be a major step forward for the industry. Later, if the Secretary should go too far afield in administering the law we can take action. The Senator from Vermont [Mr. AIKEN] has pointed out that the Secretary of Agriculture already has similar authority in the case of livestock. I should like to have the Senator from Vermont comment more on that point. I think it is clear that to a large extent we must rely upon the administrative intent of the Secretary.

Mr. AIKEN. Mr. President—

Mr. ELLENDER. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, in the case of the ante mortem inspection of poultry, the bill will give the Secretary the same authority which he now has in the case of livestock, such as cattle, sheep, and hogs. The Secretary now has such authority in the case of red meat inspection, although the post mortem inspection is what really counts.

Mr. WILLIAMS. There have not been abuses with respect to their administration of the other programs, so we have no reason to expect that there will be abuse in this case.

Mr. CURTIS. But under the bill we would be giving the Secretary power to abuse the authority; would we not?

Mr. REVERCOMB. That is the point.

Mr. CURTIS. We would be giving a Government agency authority to inspect on the farms—which could mean every chicken coop and farmyard in the country.

Mr. WILLIAMS. That is not my intention as a supporter of this bill and as one member of the committee which reported it.

Mr. CURTIS. That could happen if the farmers wished to sell to processors who would handle the poultry in interstate commerce.

Mr. ELLENDER. Mr. President, I wish to point out that the language appearing on page 8, in line 21, is specific. It will not give the Secretary of Agriculture the right to inspect every poultry yard throughout the country. He will have that right only in cases where the poultry is about to be slaughtered.

One point which has not been brought out thus far is that many poultry diseases can better be discovered by ante mortem examination, rather than post mortem.

In addition, there was testimony to the effect that those who work in the slaughterhouses may catch diseases by handling diseased poultry. For their protection, also, this provision for ante mortem inspection has been included in the bill.

Mr. CURTIS. Mr. President, will the Senator from Louisiana yield, so that I may ask a question?

Mr. ELLENDER. I yield.

Mr. CURTIS. Does the word "about," as used in line 21, in the phrase "about to be slaughtered," refer to poultry after it has arrived at the place of slaughter?

Mr. ELLENDER. I would not say so, not exclusively. It could be poultry that was about to be shipped by the farmer to the slaughterhouse. Conceivably it could include poultry which the farmer has agreed to sell to the slaughterer, because it states that the poultry is about to be slaughtered. It is poultry for which slaughter is imminent. Ordinarily it would be poultry which has arrived at the slaughtering plant; but inspection at some prior point is not precluded, so long as the poultry is about to be slaughtered. I do not think there can be any doubt about that. The language is plain.

Mr. AIKEN. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. AIKEN. I should like to read from the United States Code, on page 2815, title 21, section 71, the paragraph which is headed "Inspection of Meat, Meat Food Products; Examination of Cattle Before Slaughtering; Diseased Animals Slaughtered Separately and Carcasses Examined."

It reads as follows:

For the purpose of preventing the use in interstate or foreign commerce of meat or food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat canning, rendering, or similar establishment in which they are to be slaughtered.

Then the paragraph provides for separation of the sheep from the goats, so to speak—and for separation of the sick from the well—and for other purposes.

I have read that simply to show that the pending bill does not provide anything at all which is not already provided in relation to the inspection of livestock.

Witnesses who appeared before the committee apparently had very strong ideas in regard to having inspectors go to the farms and inspect poultry there. But the committee did not agree with them. The committee reported this bill unanimously, as I recall.

Mr. REVERCOMB. Mr. President, at this point will the Senator from Louisiana yield to me, to permit me to ask a question of the Senator from Vermont?

Mr. ELLENDER. I yield for that purpose, provided I may do so without losing the floor.

Mr. REVERCOMB. The Senator from Vermont said witnesses before the committee urged against inspection on the farms, and the Senator stated that the committee took a different viewpoint. Where in the bill is that different viewpoint set forth? Under the language of the pending bill, does not the Secretary of Agriculture have authority to send inspectors anywhere, to make the inspection? His inspectors could make inspections on the farms, could they not?

Mr. AIKEN. Certainly, the same as in the case of cattle, swine, or sheep, if they are offered for slaughter. I am not sure that under the provisions of the pending bill the inspectors would have the right to go onto a farm unless the poultry on the farm were being offered for slaughter. I do not think the Secretary of Agriculture would have such authority.

Mr. ELLENDER. That is the way I interpret the language to which I referred. It is very plain.

Mr. REVERCOMB. Mr. President, will the Senator from Louisiana yield further to me?

Mr. ELLENDER. I yield.

Mr. REVERCOMB. I think the purpose of the bill is good; I wish to make that statement.

But will not the Senator from Louisiana, the chairman of the committee, who is in charge of the bill, be willing to have it provide that the inspection shall be an inspection of the dressed poultry; and will not he be willing to leave out of the bill any reference to inspection of live poultry? I think that would make the bill much more definite.

Mr. ELLENDER. Mr. President, a poultry inspection bill was under discussion during the last session of the 84th Congress; and last year the Senate Committee on Agriculture and Forestry devoted a considerable amount of time to this problem. We did so again this year. We held hearings; and we held additional hearings on almost similar bills. A number of able Senators introduced three separate bills. We had them, 3 of the principal sponsors of these 3 bills, get together, work out a bill which would be acceptable to them, as well as

to the Department of Agriculture and to the Food and Drug Administration.

As I said in my previous statement, personally I was surprised but pleased to note that they came out of conference with a unanimous agreement. In addition, both the Food and Drug Administration and the Department of Agriculture have approved this measure.

There was much give and take on each side. The distinguished Senator from Georgia had his own bill. The distinguished Senator from Minnesota had his own bill, as did the Senator from Vermont and many other Senators. There was a unanimous report among them. It is true that the bill may not meet exactly the views of some Senators, but it is the best that can be obtained. I am saying to the Senate that I believe every safeguard possible has been placed in the bill. As the distinguished Senator from Delaware has just stated, if there should be any abuse for the authority proposed to be given to the Secretary of Agriculture, the Congress could take further action at almost any time.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. REVERCOMB. Let me ask the Senator if it would not serve the purpose of insuring healthy meat to remove completely from the bill the provision for the inspection of live poultry, and thereby strike from the bill the unlimited power given to a department of Government to make an inspection of live birds anywhere it wants to, if it is so desired to do? Could not the purposes of the bill be served by deleting the provision for inspection of live poultry, and merely provide for inspection of dressed poultry? Will not the Senator concede that is a correct statement?

Mr. ELLENDER. That proposal was considered by the committee, I may say to my good friend from West Virginia.

Mr. REVERCOMB. I may say to my good friend from Louisiana there are a number of us who would like to vote for the bill, but he is making it impossible for us to do so.

Mr. ELLENDER. The bill was considered in the light of the objection which the Senator is now suggesting, and, as I stated, all those factors were considered. As chairman of the committee—and the committee agreed with me—I suggested having the proponents of the three bills sit together with the attorney from the Department of Agriculture, the Deputy Administrator of the Food and Drug Administration, and others interested in the bill. The result was the bill which is now before the Senate. I really believe it is a good bill. It will serve the purposes for which it is sought to have it enacted.

May I say to my good friend from West Virginia that a number of amendments may yet be proposed to the bill.

Mr. REVERCOMB. I am looking forward to them.

Mr. ELLENDER. If there are any abuses by the Secretary of Agriculture, I will be one of the first to try to correct them. As I stated, the provision in the bill to which reference has been made

does not, in my humble judgment, give the Secretary of Agriculture the right to go on any farm and inspect individual flocks unless they are about to be slaughtered. In my humble judgment, the Secretary will find it convenient to have the inspection made at the place where the poultry is brought to slaughter. That is my personal opinion.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Georgia, who is a poultry expert from his State, and the author of one of the bills. I am sure he can shed light on the subject.

Mr. TALMADGE. I thank the Senator, but I do not pretend to be a poultry expert. However, I am proud and happy to represent in part a State that produces about one-ninth of all the broilers produced in America, to the extent of something like 234 million chicks a year.

I should like to say to my distinguished friend from West Virginia that when we drafted the bill we were trying to keep in mind a piece of legislation that would be fair to the consumers and provide for them adequate and nutritious meat. We tried also to keep in mind the processors and not to place on them undue hardships or burdens in their efforts to process poultry and make it available to consumers. We tried also to keep in mind employees who work in plants and handle birds which may be diseased. We tried also to remember the farmers who produce the birds, and attempted to make the bill fair to that great mass of people.

For those reasons, we provided great discretionary authority in the Secretary of Agriculture. Because we are undertaking a program which heretofore has not been mandatory, but purely permissive, we thought it was necessary to draft legislation that would place discretionary power in the Secretary of Agriculture, so that the situation could be adjusted from time to time to meet the needs as they might arise.

With reference to ante mortem inspection, sometimes, though not often, flocks of birds become diseased. I believe in recent years there have been instances of poultry becoming affected with the disease called psittacosis that has adversely affected the consumer, and, I believe in some cases, employees in the plants affected.

If I am correctly informed by the authorities, psittacosis can best be diagnosed prior to the time a bird is slaughtered. If the processor discovers a diseased flock, the Secretary of Agriculture, or his inspector, who would be his agent, is given authority to inspect live birds. Normally, the inspection will take place at the premises of the slaughtering plant, where the farmer delivered his birds to be slaughtered. But if a flock is found to be infected, there is no reason why the inspector should not go to the farm of the man who raised the particular flock and inspect the birds there.

That is the reason for providing the ante mortem inspection, and the sole reason therefor.

I thank the Senator from Louisiana for yielding to me.

Mr. REVERCOMB. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. REVERCOMB. The statement of the able Senator from Georgia was very informative and enlightening, but I put the question to him: Cannot the needed protection be afforded to persons who consume poultry by providing inspection of dressed poultry, instead of regulating flocks and interfering with the farmers who raise chickens and turkeys, and giving this broad power to the Secretary of Agriculture? I have the greatest respect for the Secretary of Agriculture, but I question giving such broad authority to any administrative officer. Does not the Senator realize the harm which could result from an abuse of such power when the Congress hands it to an administrative officer? I put the question again: Cannot the consuming public be protected by inspection of dressed birds, rather than by regulating the farmer who raises the birds?

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield so that I may answer the Senator from West Virginia?

Mr. ELLENDER. I yield.

Mr. TALMADGE. As I understand, some ante mortem inspection is necessary for two reasons. First, some diseases in birds can be best ascertained prior to death rather than by inspection of the carcass after death. Secondly, if there is no provision made whatever for ante mortem inspection, then the persons who are employed in processing plants would come in contact with the birds without having an opportunity to become aware of the fact that the birds are infected, until they are actually processing them. Therefore, employees of processing plants would not be protected.

Mr. REVERCOMB. Mr. President, will the Senator from Louisiana yield to me for one more question?

Mr. ELLENDER. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I put this question: To what extent have persons working in processing plants been disabled by or have contracted diseases? Is that occurrence widespread or is it de minimus?

Mr. TALMADGE. In answer to the question, some of the witnesses who appeared before our committee contended that it was widespread. I do not think it has been very widespread.

But certainly I do not think we ought to pass an inspection bill which does not give the Secretary of Agriculture some authority, so that when it is made apparent that birds may be diseased there may be some degree of inspection prior to the slaughter of the birds.

It is not expected that such authority will be very widely used, because we do not think the Secretary of Agriculture will abuse his discretion in this matter. Certainly with regard to the red meat industry, where the same type of discretion has been permitted, there have been no complaints on the floor of the Senate that such discretion has ever been abused.

I thank the Senator from Louisiana.

Mr. ELLENDER. Mr. President, as I stated a moment ago, the Senate Committee on Agriculture and Forestry heard much testimony in June of 1956 on a similar bill which was reported to the Senate.

Among the witnesses who testified—only one of many witnesses—was Shirley W. Barker, director, poultry department, Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, of Chicago, Ill.

I quote from Mr. Barker's testimony, as found on page 99 of the hearings:

Only 3 months ago, the Portland, Oreg., area was in the throes of a severe psittacosis, or parrot fever, epidemic caused by turkeys. Two persons died and 62 become extremely ill. Many of these men and women were members of the AMCBW who work in poultry plants.

The entire poultry industry suffers because of the lack of regulatory standards of sanitation and wholesomeness.

Mr. WILLIAMS. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield to the Senator from Delaware.

Mr. WILLIAMS. I should like to make a comment on the question of the Senator from West Virginia.

My understanding is that there have been but two outbreaks of such poultry diseases in this country, one in Oregon and one in Texas.

Mr. REVERCOMB. Only two?

Mr. WILLIAMS. Only two. However, this is a disease which is communicable to human beings and may be injurious to them. That was the information we received from witnesses before the committee. One never knows when the disease is going to break out again. The Secretary of Agriculture felt that, in order to protect employees and all concerned, some ante mortem inspection authority is necessary.

I agree with that; however, at the same time I do not intend that the authority granted should be misused.

I may say, in connection with psittacosis—the disease which occurred in Oregon and Texas—that there are two bills relating to this subject, pending before the committee now, both of which I understand are supported by the Department of Agriculture. One was introduced by the Senator from Louisiana [Mr. ELLENDER], the chairman of the committee, and the other is a bill I introduced several days ago. These bills provide separate authority to the Secretary of Agriculture whenever there is an outbreak of psittacosis—anywhere in the country, whether it be Oregon, Texas, Delaware, West Virginia, or anywhere else, to go into the area, quarantine it, condemn and kill all the poultry on any farm affected, and compensate the farmer for the destroyed birds. In other words, the program would be handled in the same manner in which the program covering the hoof-and-mouth disease, which affects the cattle industry, has been handled.

It is the intention of both these other bills to give the Secretary of Agriculture adequate authority to eradicate this disease before it becomes more prevalent.

Both bills would compensate the farmer for any condemned or destroyed birds.

I am confident the committee will report to the Senate some such proposed legislation.

Mr. REVERCOMB. Mr. President, will the Senator yield to me for a moment?

Mr. ELLENDER. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I heartily agree that where there is an outbreak of psittacosis or any other such disease in poultry, which becomes dangerous to mankind, there ought to be the power to control it. I should think perhaps there should be provided direct power to enable the Secretary to step in, quarantine the whole area, and destroy the diseased birds.

That is not the point here. One cannot argue on the basis of two occurrences in the country, as to which some provision certainly ought to be made, that we should place in an administrative officer of the Federal Government unlimited power, virtually to control by inspection the poultry on a man's farm.

It is argued that the inspection is to be made at the plants. There is nothing in the bill to require that. The discretion is broad enough to permit the Secretary to go anywhere to inspect poultry. That is why I urge the able Senator from Louisiana to remove this broad power, from the bill and, if necessary, write another provision in the bill, whereby where psittacosis, or any other such disease of poultry, is found, the Secretary of Agriculture shall be given authority to quarantine and condemn the poultry of the area involved.

But that is not the question, if I may so state to the able Senator. We have here a question of broad discretion, which is unlimited, which permits the Secretary of Agriculture, if he so wishes, to go to the farm of the poultry raiser and control his flock.

Mr. ELLENDER. Mr. President, I may say to my good friend from West Virginia that, as I stated before, there were three bills before the committee for consideration. One of the bills contained a provision which made it absolutely compulsory on the part of the Secretary to make the inspections. Some people have even suggested that there should be a bird-by-bird inspection.

The pending bill is a happy compromise reached by those who are interested in legislation on this subject.

I refer again to the language on page 8, line 21, which refers to "poultry about to be slaughtered." It does not require the Secretary of Agriculture to do the inspection bird by bird, but only "as he deems necessary."

Mr. CURTIS and Mr. WILLIAMS addressed the Chair.

Mr. ELLENDER. I yield to the distinguished Senator from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. President, I regret to say I disagree a little bit with the distinguished Senator from West Virginia. I am inclined to think that if the bill is to pass it ought to provide for ante mortem inspection.

I am wondering—and I ask this as a question—what protection the con-

sumers will be deprived of if the inspection is made at the point of processing and slaughtering. I believe it is correct to say that poultry diseases can appear very suddenly. A flock under contract to be purchased can be inspected, found not to be diseased, and yet be found to be diseased by the time the flock is run onto the line of slaughter.

Why not remove this entire area of concern by having the ante mortem inspection at the point of slaughtering? I ask that question.

Mr. REVERCOMB. Mr. President, will the Senator from Louisiana yield so that I may answer that question?

Mr. ELLENDER. I yield to the Senator from West Virginia.

Mr. REVERCOMB. Would the Senator from Louisiana be willing to write language into section 6, subsection (a), which would definitely provide for ante mortem inspection at the plant, and would that meet the purpose of the able Senator from Nebraska?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I think the language would be superfluous. I do not believe that the Secretary is going to promulgate rules and regulations which will require agents to go about the country and inspect each poultry flock. It is my humble judgment that all of the inspection will be done at the plant. I do not think there can be any question about that.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. REVERCOMB. Let me say to the Senator that if he would accept the amendment suggested, which would definitely provide that the inspection should be at the plants, certainly he would remove a part of the objection which is being voiced on the floor of the Senate today.

Mr. WILLIAMS. I would have no objection to such an amendment.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. I suggest that if there were an epidemic in the community, the inspection ought to be made before the birds reached the plant. Otherwise the entire plant might be quarantined, and the producers of sound birds, as well as the producers of unsound birds, would lose their market or be compelled to go to a more distant market. Possibly they would not even be permitted to do that.

The bill has been worked over by the various poultry associations and the farm organizations, including the National Grange and the Farm Bureau. As I understand, the representatives of those organizations hoped that no amendments would be made to the bill—not that it would turn out to be a perfect bill, because there will probably be some flaws in it. That frequently happens in legislation.

Mr. REVERCOMB. We are trying to cure the flaws now.

Mr. AIKEN. If the representatives of the various farm organizations are all happy, let us keep them happy.

Mr. ELLENDER. Mr. President, I do not know of any objection to the bill as it

was presented to the Senate, by any of the witnesses who appeared, except a few who desired bird-by-bird ante mortem examination. We objected to that. We thought that not only would it be too expensive, but that possibly it would involve an infringement on the rights of the farmers to some extent.

Mr. AIKEN. The Senator will recall that some of the witnesses who desired bird-by-bird inspection, even on the farm, also wanted the inspection work to be transferred to the Food and Drug Administration, and taken away from the Department of Agriculture altogether.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. WILLIAMS. I know that there is almost universal support for the bill. We were trying to get it through without amendment. However, I would not be concerned over the proposal of the Senator from West Virginia [Mr. REVERCOMB], because it was clearly my understanding that that was the manner in which the inspection would be made, and that the bill did not contemplate farm-by-farm inspection. I believe that in the case of an epidemic, a different situation would exist. Such a situation will be dealt with in the bill which is now pending before the committee, and which was introduced by the Senator from Louisiana [Mr. ELLENDER], as well as in the bill introduced by myself, which would give the Secretary of Agriculture, when such a situation arose, authority to quarantine an entire area. Pending the lifting of the quarantine, during which time the Secretary would be authorized to destroy diseased birds at the farm and compensate the farmer for them, there would be mandatory antemortem inspection at the farm for every flock. That inspection would continue until the quarantine was lifted, or until the disease could be eradicated.

Mr. REVERCOMB. No one could object to that.

Mr. WILLIAMS. I think such a situation would be handled under the terms of the next bill. However, I have no objection to the suggestion of the Senator from West Virginia. It was definitely my understanding that that would be the manner in which the inspection would be done. Of course, it is up to the chairman of the committee.

Mr. ELLENDER. Mr. President, of course the chairman of the committee has no authority to agree to any such amendment. The bill comes from the committee with a unanimous report. I shall be glad to consult with other members of the committee with respect to any amendment suggested, as to whether or not it should be accepted.

As was stated by the distinguished Senator from Delaware, during the discussion last year and again this year—particularly this year—it was felt that under the rules and regulations promulgated by the Secretary of Agriculture the inspection would be made at the plant. That is the practical place to make it.

Mr. REVERCOMB. Mr. President, will the Senator yield to me at this time to permit me to offer an amendment to the bill?

Mr. ELLENDER. That is the Senator's privilege. I yield for that purpose.

Mr. REVERCOMB. I offer an amendment in section 6, subsection (a), in line 21 on page 8, after the words "of poultry about to be slaughtered" to insert the words "at the processing plant," so as to read: "of poultry about to be slaughtered at the processing plant as he deems necessary."

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. If the bill proposed by the Senator from Louisiana at the request of the Department of Agriculture and the bill proposed by the Senator from Delaware were in effect, there would not be the slightest objection to the amendment offered by the Senator from West Virginia. It would be wholly in keeping. However, the legislation which has been proposed has not yet been reported by the committee. If it were to become law, it ought to be possible to quarantine diseased poultry, in the same manner as diseased livestock are quarantined.

Mr. WILLIAMS. Of course, we can never say with certainty what proposal will become law. Nevertheless, I know that the Department of Agriculture has endorsed the principle referred to, and has sent word to the chairman of the committee to that effect. I have every reason to feel that the proposed legislation referred to will become law. Such a provision could be offered as an amendment to the pending bill. However, I believe that two separate problems are involved, and that they should be handled separately. It is my intention that the law should be administered as indicated by the Senator from West Virginia. Therefore I have no objection to his amendment.

Mr. ELLENDER. My understanding is the same as that of the Senator from Delaware. However, it was felt by some that it would be best to give the Secretary of Agriculture as much leeway as possible.

The PRESIDING OFFICER. The amendment offered by the Senator from West Virginia will be stated.

The LEGISLATIVE CLERK. On page 8, line 21, after the word "slaughtered," it is proposed to insert "at the processing plant."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. REVERCOMB].

Mr. ELLENDER. Mr. President, I have just consulted with our counsel, and he suggests that if an amendment is to be made to that section, it would be best to insert it in the same line, after the word "inspection."

Mr. REVERCOMB. I have no objection.

Mr. ELLENDER. So as to read: "make such ante mortem examination and inspection at any official establishment of poultry about to be slaughtered as he deems necessary."

Mr. REVERCOMB. I agree to that modification.

The PRESIDING OFFICER. The question is on agreeing to the modified

amendment offered by the Senator from West Virginia [Mr. REVERCOMB].

The amendment, as modified, was agreed to.

Mr. CURTIS. Mr. President, will the Senator yield on another point?

Mr. ELLENDER. On what point?

Mr. CURTIS. Who is to do the inspection? Will it be the Federal Government or the State government?

Mr. ELLENDER. It will be done under the supervision of the Federal Government.

Mr. CURTIS. Who will pay for it?

Mr. ELLENDER. It will be done by Federal or State employees under the direction of the Department of Agriculture.

Mr. CURTIS. Is a fee to be charged, or will the cost be met by appropriation? Who will bear the expense of administering the law?

Mr. ELLENDER. The entire cost will be borne by the Department of Agriculture. There is only one exception. In case of overtime, the overtime will be paid for by the establishment requesting it.

Mr. CURTIS. In any instance will there be any expense on the part of the States?

Mr. ELLENDER. There will be none.

Mr. CURTIS. Then what is the meaning of the provision that the inspector must be an employee of the State or Federal Government?

Mr. ELLENDER. Inspection will be performed by either State or Federal inspectors as authorized by the Department of Agriculture. The committee decided that State inspectors could be used, if authorized by the Department of Agriculture. In other words, the Federal Government will have charge of designating the rules and regulations for the inspection, and the Department of Agriculture will have jurisdiction over all inspectors, whether they be State or Federal.

Mr. CURTIS. If the distinguished chairman will yield further on that point, would any State be called upon to furnish more State employees to administer the law?

Mr. ELLENDER. Not unless the Secretary of Agriculture deemed it necessary. All inspections are to be under the authority of the Department of Agriculture, and must be done under the supervision of the Department by inspectors who are designated by the Department of Agriculture. The Department may designate State employees pursuant to cooperative arrangements with the States involved.

Mr. CURTIS. If the Senator will yield further, I should like to say the reason I bring up the point is that at the present time classifying someone as a State employee involves a little more than it used to involve. It not only involves certain supervisory expenses and bookkeeping expenses and payroll expenses within the State, but also employment taxes, whether they be for social security or for civil service retirement purposes. All those matters come into consideration. Therefore I would be inclined not to favor making the inspectors State employees, but rather provide that they

should be Federal employees even though they had other employment for the State.

Mr. ELLENDER. I may say to my good friend that I indicated a moment ago that this whole inspection service will be under the jurisdiction of the Department of Agriculture and that whenever State employees are used they will be under the jurisdiction of the Department of Agriculture, and the State government will be reimbursed for their salaries and expenses by the Department.

Mr. CURTIS. Including their employment taxes?

Mr. ELLENDER. All costs.

Mr. CURTIS. I thank the Senator.

Mr. ELLENDER. On page 22, line 15, I call the Senator's attention to the wording:

The cost of inspection rendered under the requirements of this act shall be borne by the United States.

That is what I was trying to emphasize. Of course any arrangement has to be satisfactory to the State, or the State will not enter into the arrangement. Are there any further questions?

The PRESIDING OFFICER (Mr. CHURCH in the chair). The bill is open to further amendment.

Mr. COOPER. Mr. President, may I ask the distinguished Senator a question?

Mr. ELLENDER. I yield for a question.

Mr. COOPER. I call attention to page 19 of the bill, particularly to section 16 (1).

Previously I asked the distinguished Senator if a farmer would be permitted to sell directly to a household consumer, and the Senator pointed out that the bill permitted such sales. I should like to ask whether a farmer could sell to a processor or to a retail store.

Mr. ELLENDER. Does the Senator refer to live poultry?

Mr. COOPER. Yes.

Mr. ELLENDER. Of course he could.

Mr. COOPER. I call the Senator's attention to page 19, which contains a very specific provision. The Secretary is authorized to exempt from specific provisions of this act "(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers only."

Does the section permit sales to retail stores or to processors who are engaged in interstate commerce?

Mr. ELLENDER. There is no restriction at all with respect to selling live poultry. The bill applies only to slaughtered poultry. The exception provides that poultry which has been raised on a farm by a farmer may be killed on the farm and then sold directly to the consumer.

Mr. COOPER. I understand that as an exception.

Mr. ELLENDER. He cannot sell it in interstate commerce for resale or to a store. He can sell live poultry if he wants to, but the restrictions apply to slaughtered poultry.

Mr. COOPER. I should like to ask a further question. As I understand, an

amendment was adopted a very short time ago which provides that inspections shall be made at the place of business of the processor. What is the objection to a farmer cleaning his own poultry and selling it to a processor if the inspection is to take place there?

Mr. ELLENDER. That might destroy the act, I say to my good friend. The inspection of slaughtered poultry must be done at certain plants whose functions are regulated by the Department of Agriculture. They must meet certain standards of sanitation, and things of that kind.

Mr. COOPER. I understand the reason for the provision. But I wanted to ask the questions so that the matter will be clear. These questions have been directed to me by farmers in my State, and I wanted to have the answers in the RECORD. So far as dressed poultry is concerned, a farmer can sell only to a household consumer. Is that correct?

Mr. ELLENDER. The Senator is correct, that is, without inspection. Any farmer of course can obtain inspection and sell in interstate commerce to anyone.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LAUSCHE. Does the present budget embrace an item of \$4,750,000 for the fiscal year 1958 to cover the cost of the operation if the bill is passed?

Mr. ELLENDER. All of the expenses will be borne by the Federal Government. The money will have to be supplied through appropriation. This will be a new appropriation item since the present appropriation provides only the administrative costs of inspection, while the cost of the inspection itself is now borne by the processors.

Mr. LAUSCHE. I refer the Senator to page 7 of the committee report:

The Department of Agriculture has estimated the initial cost of the program provided by the bill at \$4,750,000 for fiscal year 1958, and the cost for fiscal year 1959 as \$7,750,000 to \$10 million.

Mr. ELLENDER. As I stated in my opening remarks, the Department of Agriculture can start immediately, but a processor cannot come within the purview of the act for the purpose of obtaining free inspection service until January 1, 1958.

Mr. LAUSCHE. That will be within this fiscal year.

Mr. ELLENDER. The Senator is correct, within the fiscal year beginning July 1, 1957.

Mr. LAUSCHE. Six months of it will be within the present fiscal year.

Mr. ELLENDER. Yes; within the fiscal year beginning July 1, 1957. Thereafter, when the program becomes effective and all the plants come within the purview of the act, the cost will range, as the Senator has indicated, from \$7½ million to approximately \$10 million. I may state also to my good friend from Ohio that it is entirely possible that the service may cost even a little more than \$10 million, depending on the number of areas which may be designated under section 5 of the bill.

Under the bill the Secretary of Agriculture has a right to designate areas for regulation. Whether the inspection costs will increase or not will depend on the number of areas which are authorized.

Mr. LAUSCHE. Am I not correct in saying that the provision of the bill will be in effect mandatorily for one-half of fiscal year 1958, and that, according to the figures contained in the report, the minimum expense during that time will be \$2,375,000, and that that money is not included in the budget?

Mr. ELLENDER. The mandatory inspection provision will not take effect until January 1, 1959. Therefore, it is hard to state what the cost will be, because poultry producers can come under the law prior to that date if they desire to, but need not do so. The figure in the committee report was the Department's best estimate.

Mr. LAUSCHE. I may suggest that it is not a good Government policy for Congress to establish a program which will entail an expense of \$7,750,000 in 1959, while saying to itself, "It is not our responsibility to provide the money. We will establish the obligation; let the Congress of 1959 worry about where the money will come from."

Mr. ELLENDER. The Congress in 1959 can take the act and throw it through the window, if it wants to. It does not even have to appropriate the money, if it does not want to.

Mr. LAUSCHE. I have observed in my experience that very frequently legislative bodies fix a responsibility upon the Government to spend money and then try to escape the odium of their act by saying, "Let a future Congress appropriate the money needed to finance the act." I do not think that is good governmental policy. If Congress enacts a law, it ought to make certain that the money will be provided, or else abandon the project.

Mr. ELLENDER. The reason for postponing the effective date, if the Senator will read the report, is that the industry is not ready to have poultry inspection made compulsory. It will take some time to do that. That is why there is the postponement. That is the sole reason for it. As I said, the bill is only an authorization, nothing else.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HUMPHREY. Not only is the industry not ready for compulsory inspection, but the Department of Agriculture is not ready for compulsory inspection. The Department does not even have the number of trained personnel it will need for the poultry-inspection program.

The bill provides that those who wish to come under the law as of January 1, 1958, may do so; and if they so volunteer, then all the provisions of the act will apply. We have no way to know how many will come under the act. That is as the Senator from Louisiana has explained the bill.

Then the Senator pointed out that by January 1, 1959, the Government will be prepared to undertake its inspection, the industry will have had adequate notice to

prepare itself for inspection, and the act will then come into full force.

We cannot appropriate money at this session of Congress for the 86th Congress. This is the 1st session of the 85th Congress. We cannot appropriate money this year for a program 2 years ahead. Congress makes annual appropriations. What Congress is providing this year is appropriations for fiscal 1958, not for fiscal 1959. Practically every statute on the books has an authorization which is a kind of moral commitment for a future Congress to make the appropriation, but there is nothing mandatory.

Congress could cancel the Federal Highway Act tomorrow morning if it so desired. No Congress can bind another Congress except in terms of what seems to be a good plan or a moral commitment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. The distinguished chairman of the committee will recall that during the hearing on the bill, or the series of bills, there appeared the secretary of the legislative poultry interim committee of the Florida State Department of Agriculture, backed by several representatives of our poultry industry. They expressed a complete willingness to cooperate with the Federal Government in any proper inspection law. They expressed, as I recall, the feeling that Federal inspection would, in many instances, cheapen the cost of the inspection service now rendered by the State of Florida, which begins when the poultry shipped into our State comes to rest.

The only thing they requested was that the State poultry inspection agency, where there is such an agency, shall have the responsibility of making the applications for hearings by the Secretary to determine areas to be designated under the bill.

Because so much of our poultry, especially in the vacation season, comes from other States, in order to safeguard our visitors, as well as ourselves, we have had a very active and a very capable inspection service for many years. The point made by these officials was that before any area should be designated as an area affecting interstate commerce under the bill, it should have some consideration in the matter. It was thought that the best way to handle that would be that the application should be made by the State agency itself, if there was a State agency. I understand the bill as redrafted by the committee has embodied that feature.

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. That provision appears in section 5, beginning on line 18, and reads:

The Secretary is authorized, upon application of the State agency, if any, having responsibility for administering and enforcing State poultry-inspection laws—

It then continues to cover other situations where there is no State agency.

Mr. ELLENDER. The Senator is correct. In my opening statement, I

pointed that out very plainly. We have covered the situation which was discussed by the Senator, as well as by the persons who came from Florida as witnesses.

Mr. HOLLAND. It appears to me—and I did not sit in on the redrafting of the bill—that the request of the Florida Inspection Service and the Florida poultry industry has been completely met. Is that the understanding of the distinguished chairman of the committee?

Mr. ELLENDER. Yes, the Senator from Florida is correct.

Mr. HUMPHREY. I can reassure the Senator from Florida that that is exactly why this language was included in the bill.

Mr. ELLENDER. I believe the language was submitted to the Senator from Florida before the Senators who had charge of the bill and who redrafted it took action.

Mr. HOLLAND. I appreciate the action of the subcommittee and the full committee. I may say there is no disposition on the part of the Florida Poultry Inspection Service to interfere with the setting up of the Federal service. On the contrary, as I have already stated, if the inspection takes place at the point of origin and the point of preparation of the poultry to enter into interstate commerce, their costs might very well be reduced. Also, there would be the assurance, before the heavy transportation cost was added, that the poultry had met the most rigid standards of inspection, which is what we have applied in our State, and very necessarily so, as Senators can understand.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. WILLIAMS. I merely wish to comment on the previous point raised by the Senator from Ohio although I think the Senator from Minnesota has pretty well answered his question.

Under existing law we do not have mandatory inspection; we have voluntary inspection programs, under which the inspection fees are paid by the industry.

Representatives of the Department came before the committee and testified to the effect that they wanted the inspection mandatory and transferred to the Federal Government, with the Government paying for the inspection, the same as it does in the case of the other meats. This was on the basis that those men who make the inspections are now on the payroll of the industry and therefore more subject to industry orders. The Federal Government wanted the inspectors to be employees of the United States Government and not to be employees of the plants. It was pointed out to the committee that with respect to all food inspection, both as to red meats and other types of food inspection, the Federal Government itself insists that the inspectors be Government employees or State employees, paid by the Government, and not subject to being fired by the private industry.

Therefore, the bill was drafted on that basis. It regulates food inspection activities from the standpoint of the

consumer, rather than from the standpoint of the industry.

Mr. LAUSCHE. Mr. President, will the Senator from Louisiana yield, to permit me to make a statement?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. ELLENDER. I yield.

Mr. LAUSCHE. I should like to say to my colleagues that I have not received from anyone in Ohio connected with the industry any communications in which the passage of a bill of this type is requested.

One agency has asked for my support; it is the meatcutters union.

In Ohio we have inspection. What bothers me is this: After the Federal Government has inspected in the processing plant, what insurance will there be that the consumers will be sold healthy food which is free from pollution or contamination which might occur after the food left the processing plant, but before it reached the hands of the consumers?

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield, to permit me to make a statement at this point?

Mr. ELLENDER. I yield.

Mr. HOLLAND. I may say that in our State, for instance, we do not propose to abandon our Florida pure-food inspection service, which has the right to inspect any food destined for human consumption, and which does do so when there is any question at all of spoilage or anything of that kind. Likewise, we do not propose to abandon our Florida inspection of the operations of our poultry producers, who are many, and who in the off seasons of the year produce nearly enough to supply our own market.

But we feel that Federal inspection at points of large production, points at which large quantities of poultry enter into interstate commerce, will, first, guarantee that our poultry sources will not be diseased sources and will not be sources which should never provide products entering into human consumption, and will also simplify our problems of inspection within the State. We shall still have the right to inspect after the poultry comes to rest and is being offered to consumers. But we feel that in the last analysis the consumer will be much better protected and we will be much better protected, because no matter how carefully we inspect at the Florida end, we do not know the condition of the poultry at the time of its preparation in the evisceration plants.

So we are strongly in favor of Federal legislation, without having any intention at all of abandoning either our own State inspection service or our own pure food inspection service; and we think there is adequate assurance that the public will be better protected and that there will be better protection for the shippers, at the point of origin. Let me say that I see on the floor at this time the Senator from Georgia [Mr. TALMADGE], and I have in mind the large quantities which come into our State from, let us say, his State of Georgia; and I believe that his State of Georgia is one of the largest, if not the

largest, producers of poultry. From our experience we believe that it is in the interest of his State, as well as in the interest of our own State, that the inspection be broadened, so as to assure us, at least, of the proper condition of the poultry at the time when it was prepared for shipment and at the time when it entered into interstate commerce.

Mr. LAUSCHE. I thank the Senator from Florida very much.

Then I understand that there will be a duplication. I understand that in order that Ohio may make sure that its consumers will obtain healthy food, Ohio will have to have inspection made, in order to make certain that from the time when the food left the processor until the time when it reached the consumer, it did not become contaminated.

Mr. HOLLAND. I would not go that far, because I think probably in Ohio, as well as in Florida, the principal problem in the case of poultry which has passed Federal inspection will be in regard to how it has been transported and whether it arrives in good condition.

As the Senator from Ohio knows, no matter how carefully the poultry is prepared, if the freezer, for instance, happens to fail to function, or if anything else which would result in spoilage happens, the pure food inspectors have a job to do.

But so far as the poultry processors themselves are concerned, they say they can be surer of the soundness of the poultry at the time when it was prepared if there is on duty there a Federal inspector who will issue the certificates from time to time.

Therefore, we believe there will not be a complete duplication. The pure food inspection occurs now. Our inspectors do not function only at the level where the food is offered, but they function for the benefit of our own poultry producers at the places where the poultry enters into commerce; and they will continue to do so.

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. TALMADGE. I should like to say to my distinguished friend, the Senator from Ohio [Mr. LAUSCHE], that we have food and drug laws; and as soon as the inspected poultry leaves the official establishment, it comes under the jurisdiction of the pure food and drug laws. If any contaminated food goes into Ohio, Oregon, California, or Georgia, it then becomes subject to the Federal food and drug laws; and, in addition, if it comes to rest in the State of Ohio, it is also subject to the jurisdiction of the laws of the State of Ohio regarding the subject. So there is dual protection of the consumers; there is the protection afforded by the Ohio laws, and there is the protection afforded by the Federal food and drug laws.

Mr. CARROLL. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. CARROLL. I should like to ask a question in regard to the pending measure. I have received two telegrams—one from Dr. Roy L. Cleere, the executive director of the Colorado De-

partment of Public Health, and one from Mr. J. Robert Cameron, the director of the division of environmental sanitation, in the Denver Department of Health. The telegrams are in regard to the subject now under discussion by the Senate.

If the Senator from Louisiana will permit me to do so, I should like to ask a question of the distinguished Senator from Minnesota [Mr. HUMPHREY]; and in that connection I should like to read the telegrams.

Mr. ELLENDER. I yield for that purpose, if I may do so without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CARROLL. One telegram reads as follows:

S. 1747, committee report 195, by Senator ELLENDER, dealing with poultry inspection, embraces some undesirable features not acceptable to this department.

This is the telegram from the Colorado Department of Public Health.

I read further from the telegram:

It urgently solicits your support in opposing passage. This is marketing, not inspecting legislation. Urge your support S. 1128, by Senator HUMPHREY.

I may say to the Senator from Louisiana that the telegram arrived only 15 minutes ago.

I should like to ask the Senator from Minnesota for his comments. What is the difference between the pending measure and Senate bill 1128? I will not ask which bill is the better; perhaps that would not be a fair question. But what could be the objection by the Colorado Department of Health to this measure?

Mr. HUMPHREY. Mr. President—

Mr. ELLENDER. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Let me respond to the inquiry of the Senator from Colorado by stating that I think there is as much misunderstanding, on the part of the correspondent from whom the Senator from Colorado has heard, in the case of Senate bill 1747 and its provisions, as there was on the part of some persons who expressed their opposition to Senate bill 1128. As a matter of fact, the departments of health all over the country have been deeply concerned over the inspection provisions of any poultry inspection bill, and justly so—not only as to the inspection provisions as they relate to the producer and processor, but also as to what will be the effective inspection in protecting the health needs and standards of the people. It was to this point that the Senator from Ohio [Mr. LAUSCHE] directed his attention a moment ago.

Senate bill 1747 provides for compulsory post mortem inspection, carcass by carcass. That is about as much inspection as can possibly be written into a law. It provides for ante mortem inspection at the official establishment, as the Secretary deems necessary; and that was all that was provided by any of the three bills which were before our committee at the time when the new committee bill was prepared.

Ante mortem inspection is desired by some in a much broader sense than that provided for by the pending bill.

But it is my view that the inspection services of the Department of Agriculture will wish to protect the public health just as much in poultry matters as they have done in matters relating to other edible products, such as red meat. Therefore, I think this bill gives protection to the consumer. It surely is to the benefit of the producer, and it surely places the processor under much more definite standards of preparing a wholesome product, than those which previously have existed.

So I think the fears of the Colorado Department of Public Health are somewhat unfounded.

Mr. CARROLL. Mr. President, I should like to ask a further question, if the Senator from Louisiana will permit.

Mr. ELLENDER. I yield for that purpose.

Mr. CARROLL. In the telegram coming from the Health and Hospital and Sanitation Section, in Denver, it is stated:

Inspection should be placed in meat-inspection bureau by law.

Evidently that was a provision of Senate bill 1128.

Mr. HUMPHREY. No, it was not.

Mr. CARROLL. It was not?

Mr. HUMPHREY. No.

As a matter of fact, the argument on the part of witnesses before the subcommittee and the full committee related to whether or not an inspection service pertaining to poultry would come under the meat-inspection service or whether it would have a separate identity of its own. Many of those who are opposed to S. 1128, the bill introduced by the junior Senator from Minnesota, felt that I was trying to put the inspection under the red-meat division, which was not true. What the bill does is provide the Secretary with authority to establish, as he, again, deems fit or necessary, an inspection service for poultry products.

My personal view is that it would be better for the inspection service to come under what is known as the agricultural research services of the Department. Some persons feel it ought to come under the agricultural marketing services of the Department of Agriculture.

Be that as it may, two things are clear. One is that the poultry inspection will not be under the red-meat division. Red meat will have its own inspection service. No. 2, it is equally clear that the poultry inspection division will be a separate inspection service. Whether it be under the agricultural marketing division or under the agricultural research services division is not of such importance as some persons seem to think it is. I think the most important thing is that there be a poultry inspection service.

I believe the chairman of the committee will agree with me that is what the bill does.

Mr. ELLENDER. The poultry business has grown to such large proportions that I am satisfied it will be necessary, as the Senator from Minnesota has suggested, for the Department

to establish a section having to do with poultry inspection.

Mr. HUMPHREY. I think it will have to.

Mr. ELLENDER. It will have to. Poultry inspection cannot be put under marketing or red-meat inspection. In my humble judgment, poultry inspection is going to have to have an administrative section of its own. The Department of Agriculture has full authority, under the bill, to put poultry inspection under any section it desires, because it will come under the general jurisdiction of the Department of Agriculture.

Mr. CARROLL. If the Senator from Louisiana will yield, I desire to thank the Senator from Louisiana and the junior Senator from Minnesota for this very excellent explanation. I intend to vote for the bill. I know the Denver and Colorado health and sanitation authorities will appreciate the explanations given this afternoon and I feel sure that perhaps they did not fully understand the real intent and purpose of the bill. They had very little time to study S. 1747, having received it from me only a few days ago.

Does the junior Senator from Minnesota say, in view of this discussion, that although the bill does not incorporate all the provisions of S. 1128, Senate bill 1747 is a desirable bill and will protect the health of the Nation's consumers?

Mr. HUMPHREY. I think it constitutes very good legislation, and it does incorporate all the provisions of the three bills which were designed to protect the welfare of the consumer and the legitimate interests of the producer.

I will add that the Department of Agriculture's special research personnel in the field of poultry marketing and inspection, as well as public health personnel from the Department of Health, Education, and Welfare, as well as Food and Drug Administration representatives, all sat in the subcommittee, which consisted of the Senator from Georgia [Mr. TALMADGE], the Senator from Delaware [Mr. WILLIAMS], and myself, when we worked out what we call the committee bill. I think it is fair to say there was no objection on the part of any of these health or departmental representatives to the provisions of the bill, and that it represents the purposes we have in mind and the methods we have outlined.

Mr. CARROLL. I thank the Senator.

Mr. CLARK. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Pennsylvania.

Mr. CLARK. I thank the distinguished Senator from Louisiana for yielding to me. I should like to associate myself with the remarks made with respect to S. 1128 by the distinguished junior Senator from Minnesota [Mr. HUMPHREY]. I was a cosponsor of that bill. While there were 1 or 2 provisions of that bill which I would have preferred to certain provisions of the bill which was reported by the committee, they were controversial matters, and I think the subcommittee and the chairman of the Committee on Agriculture and Forestry have made a distinct contribution and

have brought forth a bill which can be wholeheartedly supported. That, of course, has been the result of careful consideration and many hours of work.

I am sure, Senators, that we are in general agreement as to the need for a compulsory Federal poultry-inspection bill. Hearings held by the Committee on Agriculture and Forestry, both in 1956 and during the present session of Congress, have amply demonstrated the need for a bill that will best serve to protect consumers, farmers, processors, and poultry workers, and at the same time prove meaningful and workable.

We in Pennsylvania have a great concern in this proposed legislation. Pennsylvania is one of the largest poultry-producing States in the Nation. It is estimated that more than \$190 million in gross farm cash income was received by Pennsylvania farmers last year from poultry and eggs, which is approximately one-fourth of all gross income derived from Pennsylvania agriculture.

Unhappily, our poultry and egg farmers are suffering a bit of depression. I am hopeful that a Federal inspection act, which will prevent the importation into Pennsylvania of diseased poultry products, will at least give Pennsylvania farmers an opportunity to market their products, under our State inspection laws, in competition with sound poultry products from other States.

Nine of our counties are among the top 100 poultry counties in the United States, and Lancaster County in Pennsylvania ranks third in the Nation in the value of poultry and poultry products.

One of the principal reasons for our outstanding record in the production of poultry for consumption has been the high standards established through Federal and State poultry inspections. We now have 14 poultry processing plants under Federal or State inspection.

Nevertheless, while the major part of the poultry processing industry is doing an excellent job, and Pennsylvania's State inspection program is a good one, it is necessary that there be compulsory Federal inspection. The United States Public Health Service has attributed one-third of all food-poisoning cases to poultry products. We need to be certain that consumers are protected from unwholesome poultry that may be shipped from other areas. Compulsory Federal inspection will, in addition, provide encouragement to the whole poultry industry—which in Pennsylvania at this time certainly needs encouragement.

For these reasons I am happy to support S. 1747. I am hopeful that under the provisions of the bill, as the Senator from Minnesota has said, the Secretary of Agriculture will see fit to make the inspections which he is no longer required to make, but which he is privileged to make. In the same vein, I think the concept of the program would be improved were we to make certain that the departmental agency within the Department of Agriculture responsible for the program were equal in rank and yet separate from the Meat Inspection Branch. However, it is not considered a serious defect in the bill, and so I am

happy to support the bill, and I hope many other Senators will support S. 1747.

Mr. ELLENDER. I wish to thank my good friend from Pennsylvania for his kind remarks, but credit for the preparation of the bill goes to the distinguished Senators I named in my opening statement, namely the Senator from Delaware [Mr. WILLIAMS], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Georgia [Mr. TALMADGE]. I held the hearings, but I acted only in the capacity of chairman. I am only too glad to report the fine bill, and I hope the Senate will adopt it unanimously.

Mr. CLARK. I am sure what the Senator from Louisiana has said is true, but I am confident the Senator from Louisiana played a full part.

Mr. ELLENDER. I yield the floor, Mr. President.

Mr. MARTIN of Iowa. Mr. President, I am happy to support S. 1747. I cannot feel it is necessary to plead at length the cause of the broad principles of compulsory inspection of poultry and poultry products. This principle has the support of leaders within the poultry industry, as well as the full endorsement of those who are turning their efforts toward consumer protection.

Actually, compulsory inspection of poultry and poultry products is simply another step in the direction of the movement started 50 years ago when the Federal Government passed the Meat Inspection Act. Following the disclosures that unsanitary conditions were threatening the red-meat industry, the Federal Government stepped in to protect the consumers and the producers of these meats. Although the actual problem of inspecting poultry and poultry products varies greatly from the inspection of red meats, the bill the Senate is considering today carries an established principle as an additional step.

Certainly the poultry industry of the United States, by and large, has given the American consumer poultry that is second to none. We need make no apologies for the quality of poultry sold to the American public. But in any large industry there are marginal producers who must cut corners in order to stay in business. When those shortcuts result in possible endangering of the health and welfare of the American public, the Federal Government has not only the right but the duty to step into the breach. The Hoover Commission recognized this fact when it stated recently that because of the size of the poultry industry, some States could not handle the task of inspection and regulation. The Hoover Commission consequently suggested Federal legislation.

I should like to call attention to two facts regarding S. 1747. First, this bill would fill a gap that has existed for half a century. When the Meat Inspection Act was passed, poultry and poultry products were not included in the regulatory provisions, because at that time the poultry industry was relatively small. In the last half century, however, great strides have been made in

that industry. Today poultry is the third largest source of gross farm income in the Nation. The per capita consumption of poultry for every man, woman, and child in the Nation now exceeds 35 pounds a year. The frozen poultry industry has grown in a truly remarkable way in the last several years. It is only reasonable that certain safeguards should be taken to insure the wholesomeness of the product that is so much in evidence on the dining room tables of the Nation.

The second fact to which I should like to call attention today is the provision of the bill that allocates the responsibility for regulation and inspection to the Department of Agriculture. For 50 years the Department has been conducting the program of the inspection of red meats. I believe I am safe in saying that the handling of this program has been very efficient. The Department of Agriculture has rendered outstanding service in the interests of both the producer and the consumer, not only in the program of red meat inspection, but also in the voluntary poultry inspection program. The Department has the organization, the trained personnel and an established procedure, that will enable it to take over these new administrative duties with a minimum of disruption to the flow of interstate commerce. In these days, when we are making every effort to economize in Government, and to avoid the cost of duplicating programs in the various agencies of Government, it is both logical and wise to keep the regulatory responsibilities for meat and poultry inspections in the same Department. By delegating the duty of inspection the Department of Agriculture, as the pending bill does, we are meeting the goals of efficiency and economy.

Mr. President, the bill we are debating today is needed by the consumer in order to protect the quality of poultry and poultry products he feeds to his family, and it is needed by the producer to safeguard the consistently high quality of the industry itself that has prevailed in the past. I sincerely hope the bill will be passed by the Senate today.

Mr. NEUBERGER. Mr. President, inasmuch as I was presiding over the Senate during much of the discussion of the poultry inspection bill, I did not take an active part in the debate.

However, I desire to express my approval of the bill, and to thank the able chairman of the Senate Agriculture Committee [Mr. ELLENDER] and his associates who have brought the pending proposal before the Senate.

On other occasions I have described to the Senate and to the committee the urgent conditions in Oregon which have made such a bill necessary. So that a few details of the situation in our own State may be brought to the attention of the Senate, I ask unanimous consent that an informative article entitled "Operation Quarantine," from the June 1956 issue of the Agriculture Bulletin, of the Oregon State Department of Agriculture, appear at this point in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OPERATION QUARANTINE

Somehow I never seem to forget one of the stories my dad, who often doubled as country editor and volunteer fireman in those days, delighted to recount. It was about a fire on the edge of our small town.

He'd give us a buildup on the fire call, the volunteers dashing from everywhere to scramble onto the old fire engine and then running madly to the fire scene.

"And what do you suppose was the first thing we saw when we got there?" he'd always preface his punch line. "Why, there was the house in blazes and Ol' Jack tearing up the yard with a big, frosted cake in his hands."

"And that's all Ol' Jack saved from the fire," dad would add. Then he'd chuckle and chuckle as though, having seen, he still could not believe.

LET'S SEE

Now that little story may not seem to have any application to Operation Quarantine. But let's see.

Suppose we call a quarantine a device to put out a fire. Or to keep it from spreading.

Oh, of course Jim Short, M. E. Knickerbocker, Frank McKennon, Kermit Peterson, or the other officials who may sign quarantine orders for the State department of agriculture don't call them fire stoppers. They would tell you a quarantine is a restraining measure, with the power of law behind it, to prevent the introduction or spread of a contagious or infectious disease affecting plants or animals and, directly or indirectly, man.

That is a bit more in line with the dictionary definition. You'll probably prefer it to the fire idea—but we'll get around to that later.

WHEELS THAT RESOLVE

The purpose of this article isn't to be facetious about quarantines. Rather, it is to show you the wheels that revolve when the department finds it necessary to bring quarantine action, and why.

The forces that lead to quarantine sometimes operate like the brakes on your car when you come to a leisurely stop at a red light. For example, the department may get word that the XYZ bug (purely mythical), which has a history of wicked destruction of potatoes in a State on the eastern seaboard, is traveling westward. In fact, it has jumped to just outside the eastern border of a western State.

That's too close for Oregon comfort.

So Frank McKennon, our plant division chief, calls his counterpart in the westernmost State in which the bug has appeared to verify. Yes, it's there all right, and has been for some little period. But it doesn't look like it will come on west—no potatoes around to eat on and they are the only plants on which it feeds. Looks like it has reached its western limits.

SIGHS OF RELIEF

McKennon breathes a sigh of relief. He doesn't want to see the XYZ bug travel into Oregon, because we've got a \$10 million potato industry that pest could damage a lot if it got a foothold.

Six weeks later McKennon gets a wire from the neighboring State; the XYZ bug has been found in 6 potato fields in 2 counties. A fast survey shows it apparently has not reached Oregon.

So our plant chief, already armed with exhaustive information about the bug and the damage it can do, draws up an official order. This says Oregon won't permit potatoes from those two counties to come into Oregon unless they are treated under stipulated conditions and with specified dosages;

and treatment must be certified to by plant officials in the State of origin. This order goes into effect 10 to 30 days after published. We've just cited the normal course of interstate quarantine—or what you might call routine procedure to protect a phase of our agricultural industry. (The neighbor State probably took a similar step to protect other potato-growing counties within its own borders.)

EMERGENCY

On the other hand, the events that lead to quarantine action sometimes operate like the brakes on your car when you come to a sudden halt to save your life. This is emergency quarantine. It, too, may be applied against wide areas, a State, a county, or even a single piece of land or premise.

The March cases of ornithosis in two Oregon turkey flocks offer an excellent and current example of emergency quarantine.

Now few people are happy when an emergency quarantine is ordered; it's bound to hurt those immediately concerned—probably in the pocketbook as well as otherwise.

UNPLEASANT TASK

And it's an unpleasant task for quarantine officials to walk onto a person's lands or into his buildings and say, in effect, "You have a serious situation here; we'll have to require that you do not move anything from this place until we permit you to do so."

The effect, immediate or long run, on the owner involved in emergency quarantine is one thing. What might happen to an entire industry—both within the State and as a result of bans which other States might impose—is another, and even bigger thing. And if human health is involved, that naturally must become the very first consideration.

And in that paragraph above you have the primary considerations involved when word came on March 9 that ornithosis had been positively identified in two turkey flocks in Oregon, one on Sauvies Island and the other at Scappoose.

You'll recall we gave a home-made definition of a quarantine as a device to put out a fire or keep it from spreading.

FIRE ALARM

Well, to carry the idea along, when Dr. K. J. Peterson, State veterinarian, received the laboratory reports March 9 that ornithosis was diagnosed in two turkey flocks here, it had just about the same effect in your State department of agriculture as a fire alarm.

Almost simultaneously, these things happened in the department:

(1) The two flocks were placed under emergency quarantine, which means the order was effective immediately. All turkeys alive and dead were required to remain on the premises, with dead birds to be buried three feet deep and covered with lime. About 12,000 hens, toms and poults were involved.

(2) All veterinarians in the State were informed that the disease had been diagnosed here, that humans were infected and that two persons who handled turkeys died; although not confirmed, the turkey disease was suspect as cause of the deaths. (The State Board of Health investigation of human illnesses and deaths first pointed the finger at turkeys as the possible cause.)

MORE ACTION

(3) Tracers were started on poults and turkeys which had left the two ranches before the quarantine.

(4) States into which Oregon poults and eggs were shipped were notified of the situation.

(5) Department staff veterinarians were instructed to start checking every breeding flock in Oregon. Dr. A. G. Beagle of the USDA disease eradication branch also assisted. (By April 5, all of the 80 breeding

flocks in the State shipping to Washington and Utah had been examined with no sign of the disease in any flock other than the original two.)

(6) Processing plants were notified.

(7) Rending plants were asked to report any unusual poultry losses.

(8) Contact was made with outstanding authorities in the United States to determine the best and most logical course to follow in handling the birds. Five other States had previous experience with the situation which had just hit Oregon.

TELEPHONES JAMMED

For the next week, department telephone lines were jammed with calls, both outgoing and incoming. Turkey growers had questions; other officials in Oregon and elsewhere had questions and information; newspapermen called with pertinent questions. Processing plants wanted information and so did feedmen and practicing veterinarians. Other States wanted to know this and that. M. E. Knickerbocker, animal division chief, Dr. Peterson and Director Jim Short could not have been busier if they'd been on a firefighting line.

On March 12, the State of Washington notified the Department it had placed an embargo on shipments from Oregon of turkeys, poults, and eggs. (Eight days later this was modified to permit entry of these products if Oregon officials certified freedom from contact with the infected birds within the last 90 days.)

UTAH REQUEST

On March 29, Utah began requiring all poultry and egg purchasers in that State to obtain a health certificate for the originating Oregon flock.

Washington's action alarmed Canada and officials there frequently called Dr. Beagle, head of the federal veterinarians in Oregon, to learn current conditions. As result of Dr. Beagle's assurance that the matter was under control, no Canadian embargo was placed on Oregon shipments.

Finally, things began to settle down. Dr. Peterson left for San Francisco to attend a conference to formulate plans for control of ornithosis on a nationwide basis. By a stroke of good fortune, Dr. C. D. Van Houseling of the United States Department of Agriculture's Agriculture Research Service was in the West; he called the conference. Dr. Beagle also attended from Oregon. Representatives of the California department of agriculture and public health officials were there, too.

DISEASE IS CURABLE

This group drew up a control program to offer to all States. It is based on present knowledge which indicates that the disease is curable and birds properly treated with antibiotics are safe for human consumption.

Dr. Peterson, grounded in the South for a day, flew back to Oregon just in time to present the uniform control program to a called meeting March 22 of the department's poultry disease advisory committee. Interested turkey growers, health officials, feed representatives and others concerned attended.

The Oregon industry leaders approved the program set up in San Francisco and the department immediately announced its adoption to handle the ornithosis situation here in Oregon.

The control program involves (1) treatment procedures for infected breeder and market flocks and the handling of poults and eggs; (2) an exchange of pertinent information between the State board of health in Portland, the diagnostic laboratory in Corvallis, the private practitioners over the State, and the State department of agriculture in Salem; and (3) prompt relay of information to the industry, allied industries and the public.

FEATURES OF PROGRAM

Under the control plan, market flocks must be treated with a tetracycline drug at rate of 400 grams per ton of feed for 2 weeks, then at 100 grams for 2 more weeks. If no evidence of the disease is then found, birds may be moved to processing plants under veterinary inspection; plants must follow procedures approved by public health officials.

Breeder flocks are treated the same as market birds. Eggs from such flocks can be hatched on the premises; or they may be hatched in outside hatcheries used for no other purpose, if disinfected in approved manner. Poults from eggs produced in infected flocks before or during antibiotic treatment must be returned to the original premise and kept under surveillance for 6 months.

Poults hatched from eggs produced after antibiotic treatment may go any place in the State, there to be maintained also under surveillance for 6 months.

All poults from infected flocks must be started on and fed a ration containing 200 grams of tetracycline drug for 3 weeks. Poults from eggs of infected flocks prior to treatment can be held for breeding purposes only upon approval of the Department.

CONTROLS FOLLOWED

In line with the program outlined, on April 22 all birds in the two infected flocks were slaughtered. The Department conducted ante mortem inspection of birds and released for slaughter only those fully recovered during the course of inspections. Our veterinarians condemned 84 toms and 535 hens as result of ante mortem and post mortem inspection procedures, and the State paid owners 80 percent of appraised value for all birds ordered destroyed.

Some poults were hatched on the quarantine places and one owner hatched a setting at an unused hatchery near Junction City. These poults will be kept under State watch for 6 months; if at the end of that time no indication of disease appears, they will be retained for breeding purposes.

So there you have Operation Quarantine, with special emphasis on use in emergency situations. And, somehow, what could have happened in the turkey incident—but didn't—may remind you of dad's yarn about Ol' Jake fleeing from a fire with only a cake in his hands.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1747) was passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4813) to extend

the life of the District of Columbia Auditorium Commission, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORRISON, Mr. MULTER, Mrs. GRANAHAN, Mr. KEARNS, and Mr. BROYHILL were appointed managers on the part of the House at the conference.

DEFERRED GRAZING

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 202, Senate bill 511.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 511) to establish a deferred-grazing program and a protein-feed program as parts of the relief available to drought-stricken areas under Public Law 875, 81st Congress, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on Agriculture and Forestry, with an amendment to strike out all after the enacting clause and insert:

That notwithstanding any other provision of law, in connection with any major disaster due to drought determined by the President to warrant assistance by the Federal Government under Public Law 875, 81st Congress, as amended, the President is authorized and directed as part of the assistance provided pursuant to such act to formulate and carry out, through the facilities of the Department of Agriculture, a deferred grazing program, which shall include nonuse or limited use, or any needed combination thereof, in any county affected by such disaster in which the Secretary of Agriculture determines grazing of native rangeland is a substantial factor in agricultural production, and finds that limited or deferred grazing is necessary and appropriate for the reestablishment or conservation of grass for grazing. Such program shall be applicable only to nonfederally owned land which is normally used for grazing. Within 30 days (1) after the date of enactment of this act, or (2) after any subsequent designation of any such area as a disaster area by the President, the Secretary shall designate the counties in any such area in which this program shall be available, and the program shall remain available in each such county for a period of not more than 5 years after the date of enactment of this act.

SEC. 2. The program shall provide for payment for deferred grazing to farmers and ranchers at such rate or rates determined by the Secretary but not more than the estimated fair rental value of the land for the normal grazing use withheld under the program and which will induce sufficient participation in the program to accomplish its objective, taking into consideration the normal grazing capacity of the land, the funds available for carrying out the program, and any other relevant factors. No payment shall be made under the program if it is determined that a shift of livestock from the deferred areas to other land results in overgrazing nondeferred areas. Payment to any person for deferred grazing on land in any one county or land in more than one county operated as a single unit shall not exceed \$5,000 for any one year.

SEC. 3. The program authorized herein may include such terms and conditions, in addition

to those specifically provided for herein, as are determined desirable to effectuate its purposes and to facilitate practical administration. The program authorized herein for any county shall be supplemental to the agricultural conservation program, and not in substitution of, other programs in such county authorized by any other law, except that no payment shall be made concurrently on the same land for deferred grazing under this and any other program.

SEC. 4. There are hereby authorized to be appropriated, in addition to other funds authorized to be appropriated for the purposes of Public Law 875, 81st Congress, such funds as are necessary to carry out the program authorized herein.

Mr. HOLLAND. Mr. President, Senate bill 511, introduced by the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], would require the Secretary of Agriculture to provide a program in the drought area under which farmers and ranchers would receive payments for deferred grazing. The Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture and Forestry held 2 days' hearings on this bill and other bills relating to drought relief. Eight or ten bills have been introduced on this subject, and they were all considered by the committee at its hearing.

The evidence before the subcommittee was that the present drought, which covers portions of 15 States, is the longest and most severe in the history of that area, and that a deferred grazing program to prevent excessive grazing and give the grass time to reseed is urgently needed. The committee was advised that, even with such a program, much of the land will require a number of years to be restored to productivity. On that point, of course, the situation is not uniform, but there are some lands in the area which have suffered a sustained drought for as long as 5 years.

The evidence before the committee indicated that in such places of extreme disaster not only had the grass completely disappeared and the roots died, but the more permanent growth, which usually survives most droughts, was entirely dead. There were places in which such sturdy plants as the mesquite, for example, were dead and had been dead for a long period. In such areas it was obvious that when the return of the turf began it must be protected for a period of months, or even years, in some cases, before there could be any real reestablishment of grass sufficient for grazing purposes.

The subcommittee and the committee carefully considered the views of the Department of Agriculture and the testimony of the witnesses at the hearings, and made a number of changes in the bill, which are incorporated in the committee amendment.

As revised by the committee, the amended bill contains a number of safeguards to assure that the program will be effective, and also restricted to the situations in which it is needed. Some of the safeguards are as follows:

First, the bill would be effective only in major disaster areas, declared to be such under Public Law 875, because of drought, that is, areas in which the dis-

asters were so great that, upon recommendation of the government of the State and of the Secretary of Agriculture, the President would have declared such areas to be disaster areas.

Second, it would be effective for only 5 years after its enactment. If continuation of the program after that period should be found to be necessary—and, of course, we all hope that the drought will have been broken and the entire situation cleared up earlier than that—Congress could act to continue the program. However, the program would not continue indefinitely without further consideration and enactment by the Congress. That is one of the changes made in the original Senate bill 511, which provided that the operation of the bill should be for not less than 3 years. However, that bill did not set any maximum time of operation. The committee felt that, in both directions, this change was necessary. There should not be any minimum time of operation, because the evidence was clear that there were different stages of disaster, some of which might easily be corrected in much less than 3 years; and it was also recognized that there were other stages of disaster which would run the full 3 years, and might run longer than that.

Third, the bill would be effective only in counties in which the grazing of native rangeland is a substantial factor in agricultural production, and then only if a limitation of grazing is necessary to reestablish or conserve grass for grazing. A finding to that effect would in each case be required by the Secretary of Agriculture—that is, that native rangeland was a substantial factor in agricultural production in the particular area, and that limitation of grazing was necessary to reestablish or conserve grass for that purpose.

The Senate will understand, I am sure, that we are talking about native rangeland. We are not talking about improved pastures, where outside grasses have been brought in and established under some kind of special care.

Fourth, the program would provide for limited use as well as nonuse. The original bill—in general a very good bill—covered only nonuse for periods of time. From the testimony it was quite clear that even on the same ranch there would be some special spots where limited use rather than nonuse would be required, and that it would be to the economic advantage of all concerned to have such a finding made and a responsive program put into effect. In some cases complete deferment may not be the best solution from the standpoint of range conservation.

In these cases partial limitation of use would mean lower Federal payments, use of the land to meet needed feed requirements, and avoidance of unnecessary herd liquidation with consequent downward pressure on prices.

On that point I should like to elaborate only with respect to lower Federal payments, because that is a subject, of course, in which everyone is interested. Of course it will require less money if the Secretary prescribes limited use as the proper treatment for a particular

tract or a part of a tract, because, obviously, the value of the use withheld would be less if only a part of the use were withheld than it would be if the entire use were withheld.

Fifth, no payment would be made under the program if livestock were shifted from deferred areas to other lands, and the shift should result in overgrazing nondeferred areas. This, too, is believed to be a great improvement over the original bill. This concept was contained in the bill as introduced, but it covered only shifts from one part of the farm or ranch to another. The committee felt, and provides in its amendment, that this particular part of the bill should cover shifts not only to lands on the farm, but also to lands off the farm. Therefore, the committee amendment is somewhat tighter than the original bill.

Sixth, payment to any person for deferring grazing on land in any county, or on land in more than one county if operated as a single unit, is limited to \$5,000 for any year. Here again the committee amendment has tightened up the provision of the original bill by extending this limitation to land in more than one county when operated as a single unit.

On that point I should like to say that the original bill provided for limitation of \$5,000 in any one county, without regard to the concept that a single ranch operated as a single unit might lie within two counties, or in even more than two counties. Therefore the modified wording reported in the committee amendment provides that the limit shall be \$5,000 per county, with the additional limitation that if a single unit of ranch land lies in more than one county, the limit of \$5,000 shall apply to the entire ranch unit.

In addition to the safeguards which are specifically contained in the bill and which I have just enumerated, the President is given authority to impose such additional reasonable safeguards as he may deem necessary to assure proper administration and the accomplishment of the objectives of the program.

For instance, he may require fencing of the deferred areas at the expense of the program participant, where that appears necessary to proper administration of the program. The authority and duty to provide such additional safeguards as may be necessary is inherent in the direction to the President to formulate a program.

The committee knew that there would be many details which would vary in different areas, and that there would be requirements which could not be foreseen at this time, no matter how hard the committee or Congress might try to foresee all of them. So that while foreseeing and making provisions for a great many details in the original bill and even to a greater degree in the committee substitute, the committee bill would also leave much regulatory power to the administrators of the act, and would give to the President the authority to formulate regulations.

For instance, under the committee amendment, payment rates would be fixed by the Secretary of Agriculture at

not more than the fair rental value of the land for the grazing use withheld.

I ask Senators to follow this point very carefully because, in my judgment, this is perhaps the most important change in the bill, and I should not want to have any misunderstanding about it. The committee feels that this language is a great improvement over the provision of the bill as originally introduced, which provided for rates not less than the average annual rental value of grazing land in the entire county. Such a provision would have encouraged participation by the owners of the poorest land in the county and made participation unattractive to the owners of better lands. The provision recommended by the committee proposes to treat everyone fairly; that is, on the basis of actual value of his own land, and achieves more conservation for the money spent.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. JOHNSON of Texas. First of all, Mr. President, I wish to express my deep personal thanks to the Senator from Florida for the very fine work he has done on the pending bill and for the many hours he has spent in an attempt to bring before the Senate some workable legislation in this field. I know that all of us in the drought-stricken States owe him a deep debt of gratitude. I agree with the comments he has made respecting the various improvements contained in the bill over the original draft of the bill as introduced by me on January 10.

Whenever the senior Senator from Florida works on any measure for very long an improvement always results. The provision to which he has just referred, on page 5, section 2, of the bill, reads as follows:

The program shall provide for payment for deferred grazing to farmers and ranchers at such rate or rates determined by the Secretary, but not more than the estimated fair rental value of the land for the normal grazing use withheld.

As I recall, and as the senior Senator from Florida just stated, the original bill provided for such rate of rates not less than the average rental value of grazing land.

Mr. HOLLAND. The Senator is correct. The Senator from Texas, in his bill, provided for a minimum, but not for a maximum, and based that minimum on the fair value of the average of all grazing lands in the county.

Witnesses pointed out—and it was also pointed out by representatives of the Department of Agriculture who were kind enough to sit in with us at some length—that such a provision would be highly attractive to owners of submarginal grazing land, but would not be attractive at all to the owners of excellent grazing land, and would be a kind of leveling factor which would make of this legislation quite a different kind of act from what the Senator from Texas had in mind.

In fact, when I talked to the distinguished Senator from Texas about it, I found him completely ready to turn to the value of the land itself which was

85TH CONGRESS
1ST SESSION

S. 1747

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 1957

Referred to the Committee on Agriculture

AN ACT

To provide for the compulsory inspection by the United States
Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Poultry Products In-
4 spection Act”.

LEGISLATIVE FINDING

6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome and adulterated poultry products in the channels
11 of interstate or foreign commerce are injurious to the public

1 welfare, adversely affect the marketing of wholesome poultry
2 products, result in sundry losses to producers, and destroy
3 markets for wholesome poultry products. The marketing of
4 wholesome poultry products is affected with the public inter-
5 est and directly affects the welfare of the people. All poultry
6 and poultry products which have or are required to have
7 inspection under this Act are either in the current of inter-
8 state or foreign commerce or directly affect such commerce.
9 That part that enters directly into the current of interstate
10 or foreign commerce cannot be effectively inspected and
11 regulated without also inspecting and regulating all poultry
12 and poultry products processed or handled in the same
13 establishment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popula-
16 tion may directly affect the movement of poultry and poul-
17 try products in interstate commerce. To protect interstate
18 commerce in poultry and poultry products inspected for
19 wholesomeness, from being adversely burdened, obstructed,
20 or affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture upon request of the appropriate
22 authority should hold public hearings to ascertain from time
23 to time and to designate cities or areas where poultry or
24 poultry products are handled or consumed in such volume as

1 to affect the movement of inspected poultry or poultry prod-
2 ucts in interstate commerce.

3 DECLARATION OF POLICY

4 SEC. 3. It is hereby declared to be the policy of Con-
5 gress to provide for the inspection of poultry and poultry
6 products by the inspection service as herein provided to pre-
7 vent the movement in interstate or foreign commerce or in a
8 designated major consuming area of poultry products which
9 are unwholesome, adulterated, or otherwise unfit for human
10 food.

11 DEFINITIONS

12 SEC. 4. For purposes of this Act except where the con-
13 text indicates otherwise—

14 (a) The term “commerce” means commerce between
15 any point in any State, Territory, or possession, or the Dis-
16 trict of Columbia, and any place outside thereof; or between
17 points within the same State or the District of Columbia, but
18 through any place outside thereof; or within the District of
19 Columbia.

20 (b) The term “Secretary” means the Secretary of Ag-
21 riculture.

22 (c) The term “person” means any individual, partner-
23 ship, corporation, association, or any other business unit.

1 (d) The term “poultry” means any live or slaughtered
2 domesticated bird.

3 (e) The term “poultry product” means any poultry
4 which has been slaughtered for human food from which the
5 blood, feathers, feet, head and viscera have been removed in
6 accordance with rules and regulations promulgated by the
7 Secretary, any edible part of poultry, or unless exempted
8 by the Secretary, any human food product consisting of any
9 edible part of poultry separately or in combination with other
10 ingredients.

11 (f) The term “wholesome” means sound, healthful,
12 clean and otherwise fit for human food.

13 (g) The term “unwholesome” means:

14 (1) Unsound, injurious to health or otherwise rendered
15 unfit for human food.

16 (2) Consisting in whole or in part of any filthy, putrid,
17 or decomposed substance.

18 (3) Processed, prepared, packed, or held under un-
19 sanitary conditions whereby a poultry carcass or parts
20 thereof or any poultry product may have become contam-
21 inated with filth or whereby a poultry product may have
22 been rendered injurious to health.

23 (4) Produced in whole or in part from poultry which
24 has died otherwise than by slaughter.

25 (5) Packaged in a container composed of any poisonous

1 or deleterious substance which may render the contents in-
2 jurious to health.

3 (h) The term "adulterated" shall apply to poultry
4 and poultry products under one or more of the following
5 circumstances:

6 (1) If they bear or contain any poisonous or deleterious
7 substance which may render them injurious to health; but,
8 in case the substance is not an added substance, such poultry
9 and poultry products shall not be considered adulterated
10 under this clause if the quantity of such substance in such
11 poultry and poultry products does not ordinarily render them
12 injurious to health.

13 (2) If they bear or contain any added poisonous or
14 added deleterious substance, unless such substance is per-
15 mitted in their production or unavoidable under good manu-
16 facturing practices as may be determined by rules and
17 regulations hereunder prescribed by the Secretary or other
18 provisions of Federal law limiting or tolerating the quantity
19 of such added substance on or in such poultry and poultry
20 products, but any quantity of such added substance exceeding
21 the limits so fixed shall also be deemed to constitute
22 adulteration.

23 (3) If any substance has been substituted, wholly or
24 in part, therefor.

1 (4) If damage or inferiority has been concealed in any
2 manner.

3 (5) If any valuable constituent has been in whole or in
4 part omitted or abstracted therefrom.

5 (6) If any substance has been added thereto or mixed
6 or packed therewith so as to increase its bulk or weight, or
7 reduce its quality or strength, or make it appear better or
8 of greater value than it is.

9 (i) The term "inspector" means any employee of the
10 Federal or a State government authorized by the Secretary
11 of Agriculture to inspect poultry and poultry products under
12 the authority of this Act.

13 (j) The term "official inspection mark" means the
14 symbol, formulated pursuant to rules and regulations pre-
15 scribed by the Secretary, stating that the product was
16 inspected.

17 (k) The term "inspection service" means the official
18 Government service within the Department of Agriculture
19 having the responsibility for the inspection for wholesomeness
20 of poultry and poultry products, and for carrying out the
21 provisions of this Act.

22 (l) The terms "container" or "package" include any
23 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
24 or cover.

25 (m) The term "official establishment" means any

1 establishment as determined by the Secretary at which in-
2 spection of the slaughter of poultry, or the processing of
3 poultry products, is maintained under the authority of this
4 Act.

5 (n) The term "label" means any written, printed, or
6 graphic material upon the shipping container, if any, or upon
7 the immediate container, including but not limited to an
8 individual consumer package, of the poultry product, or
9 accompanying such product.

10 (o) The term "shipping container" means any con-
11 tainer used or intended for use in packaging the product
12 packed in an immediate container.

13 (p) The term "immediate container" includes any con-
14 sumer package; or any other container in which poultry
15 carcasses or poultry products, not consumer packaged, are
16 packed.

17 DESIGNATION

18 SEC. 5. The Secretary is authorized, upon application
19 of the State agency, if any, having responsibility for ad-
20 ministering and enforcing State poultry inspection laws, or
21 if there is no such State agency, upon application of any
22 appropriate State or local official or of any appropriate
23 poultry industry group, to ascertain through public hearing
24 whether the volume of poultry or poultry products mar-
25 keted in a major consuming area is such as to affect, burden

1 or obstruct the movement of inspected poultry or
2 poultry products in commerce. If the Secretary finds after
3 such public hearing that the inspection of all poultry mar-
4 keted in such major consuming area will effectuate the pur-
5 poses of this Act, he shall by order designate and define
6 such major consuming area. Such designation shall not
7 become effective until six months after notice thereof is
8 published in the Federal Register. On and after the effec-
9 tive date of such designation, all poultry and poultry prod-
10 ucts processed, sold, received, or delivered in any such
11 designated major consuming area shall be subject to the
12 provisions of this Act, except that the Secretary may grant
13 such exemptions therefrom as he determines practicable.

14 INSPECTION, REINSPECTION, AND QUARANTINE

15 SEC. 6. (a) ANTE MORTEM INSPECTION.—For the pur-
16 pose of preventing the entry into or flow or movement in
17 commerce or in a designated major consuming area of any
18 poultry product which is unwholesome or adulterated, the
19 Secretary shall, whenever processing operations are being
20 conducted, make such ante mortem examination and inspec-
21 tion in any official establishment of poultry about to be
22 slaughtered as he deems necessary.

23 (b) POST MORTEM EXAMINATION.—For the purposes
24 hereinbefore set forth, the Secretary, under rules and regu-
25 lations by him prescribed, shall whenever processing opera-

1 tions are being conducted cause to be made by inspectors, in
2 each poultry processing establishment engaged in processing
3 for commerce or for or in a designated major consuming area
4 a post mortem examination and inspection of the carcass of
5 each bird processed. Poultry products found to be sound,
6 healthful, wholesome, unadulterated, and fit for human food
7 shall be labeled in accordance with the provisions of this Act.
8 All poultry carcasses and parts thereof and poultry products
9 thus inspected and found to be unwholesome or adulterated
10 shall be condemned and shall, if no appeal be taken from such
11 determination of condemnation, be destroyed for human food
12 purposes under the supervision of an inspector: *Provided*,
13 That carcasses, parts, and products, which may by reprocess-
14 ing be made not unwholesome and not adulterated, need not
15 be so condemned and destroyed if so reprocessed under the
16 supervision of an inspector and thereafter found to be not
17 unwholesome and not adulterated. If an appeal be taken
18 from such determination, the product shall be appropriately
19 marked and segregated pending completion of an appeal
20 inspection, which appeal shall be at the cost of the appellant
21 if the Secretary determines that the appeal is frivolous. If
22 the determination of condemnation is sustained the product
23 shall be destroyed for human food purposes under the super-
24 vision of an inspector.

1 (c) REINSPECTION.—Under rules and regulations pre-
2 scribed by the Secretary, there shall be reinspection of
3 poultry and poultry products at official establishments as
4 often as may be deemed necessary to insure fitness of poultry
5 products for human consumption. The condemnation and
6 destruction procedures prescribed hereunder shall be ap-
7 plicable if necessary, upon such reinspection, notwithstand-
8 ing that such poultry products had been passed and certified
9 in the previous inspection.

10 (d) QUARANTINE AND SEGREGATION.—Under rules
11 and regulations prescribed by the Secretary, inspectors
12 shall have authority to direct such quarantine or segregation
13 of uninspected, suspect, or condemned live poultry or car-
14 casses or parts thereof at official establishments as will
15 prevent contamination of poultry and poultry products which
16 may be certified as edible for human consumption.

17 SANITATION, FACILITIES, AND PRACTICES

18 SEC. 7. (a) Each official establishment slaughtering
19 poultry or processing poultry products for commerce or in
20 or for marketing in a designated major consuming area shall
21 have such premises, facilities and equipment, and be operated
22 in accordance with such sanitary practices, as are required
23 by regulations promulgated by the Secretary for the purpose
24 of preventing the entry into or flow or movement in com-
25 merce or in a designated major consuming area, of poultry

1 products which are unwholesome, adulterated, or otherwise
2 unfit for human food.

3 (b) The Secretary shall refuse to render inspection to
4 any establishment whose premises, facilities, or equipment,
5 or the operation thereof, fail to meet the requirements of this
6 section.

7 LABELING

8 SEC. 8. (a) Each shipping container of any poultry
9 product inspected under the authority of this Act and found
10 to be wholesome and not adulterated, shall at the time such
11 product leaves the official establishment bear, in distinctly
12 legible form, the official inspection mark, and the approved
13 plant number of the official establishment in which the con-
14 tents were processed. Each immediate container of any
15 poultry product inspected under the authority of this Act
16 and found to be wholesome and not adulterated shall
17 at the time such product leaves the official establishment
18 bear, in addition to the official inspection mark, in distinctly
19 legible form, the name of the product, a statement of ingredi-
20 ents if fabricated from two or more ingredients, the net
21 weight or other appropriate measure of the contents, a state-
22 ment of any artificial flavoring, artificial coloring, or chem-
23 ical preservative it bears or contains, the name and ad-
24 dress of the processor and the approved plant number

1 of the official establishment in which the contents were
2 processed. The name and address of the distributor may
3 be used in lieu of the name and address of the processor
4 if the approved plant number is used to identify the official
5 establishment in which the poultry product was prepared
6 and packed. The Secretary may permit reasonable varia-
7 tions and grant exemptions from the foregoing labeling re-
8 quirements in any manner not in conflict with the Federal
9 Food, Drug, and Cosmetic Act.

10 (b) The use of any written, printed or graphic matter
11 upon or accompanying any poultry product inspected or
12 required to be inspected pursuant to the provisions of this Act
13 or the container thereof which is false or misleading in any
14 particular is prohibited. No poultry products inspected or
15 required to be inspected pursuant to the provisions of this
16 Act shall be sold or offered for sale by any person, firm, or
17 corporation under any false or deceptive name; but estab-
18 lished trade name or names which are usual to such products
19 and which are not false and deceptive and which shall be
20 approved by the Secretary are permitted. If the Secretary
21 has reason to believe that any label in use or prepared for
22 use is false or misleading in any particular, he may direct
23 that the use of the label be withheld unless it is modified in
24 such manner as the Secretary may prescribe so that it will
25 not be false or misleading. If the person using or proposing

1 to use the label does not accept the determination of the
2 Secretary, he may request a hearing, but the use of the
3 label shall, if the Secretary so directs, be withheld pending
4 hearing and final determination by the Secretary. Any such
5 determination by the Secretary shall be conclusive unless
6 within thirty days after the receipt of notice of such final
7 determination the person adversely affected thereby appeals
8 to the United States court of appeals for the circuit in which
9 he has his principal place of business or to the United States
10 Court of Appeals for the District of Columbia Circuit. The
11 provisions of section 204 of the Packers and Stockyards Act
12 of 1921, as amended, shall be applicable to appeals taken
13 under this section.

14 PROHIBITED ACTS

15 SEC. 9. The following acts or the causing thereof are
16 hereby prohibited:

17 (a) The processing, sale or offering for sale, transporta-
18 tion, or delivery or receiving for transportation, in commerce
19 or in a designated major consuming area, of any poultry
20 product, unless such poultry product has been inspected for
21 wholesomeness and unless the shipping container and the
22 individual consumer package, if any, are marked in accord-
23 ance with the provisions of this Act.

24 (b) The sale or other disposition for human food of
25 any poultry or poultry products, which has been inspected

1 and declared to be unwholesome or adulterated under this
2 Act.

3 (c) Falsely making or issuing, altering, forging, simu-
4 lating, or counterfeiting any official inspection certificate,
5 memorandum, mark, or other identification, or device for
6 making such mark or identification, used in connection with
7 the inspection of poultry or poultry products under this
8 Act, or causing, procuring, aiding, assisting in, or being a
9 party to, such false making, issuing, altering, forging, simu-
10 lating, or counterfeiting, or possessing, without promptly
11 notifying the Secretary of Agriculture or his representative,
12 uttering, publishing, or using as true, or causing to be
13 uttered, published, or used as true, any such falsely made
14 or issued, altered, forged, simulated, or counterfeited official
15 inspection certificate, memorandum, mark or other identi-
16 fication, or device for making such mark or identification,
17 or representing that any poultry or poultry product has been
18 officially inspected under the authority of this Act when such
19 poultry or poultry product has in fact not been so inspected.

20 (d) Using in commerce, or in a designated major
21 consuming area, a false or misleading label on any poultry
22 product.

23 (e) The use of any container bearing an official in-
24 spection mark except for the poultry product in the original

1 form in which it was inspected and covered by said mark
2 unless the mark is removed, obliterated, or otherwise de-
3 stroyed.

4 (f) The refusal to permit access by any duly authorized
5 representative of the Secretary, at all reasonable times, to
6 the premises of an establishment engaged in processing
7 poultry or poultry products for commerce, or in or for
8 marketing in a designated major consuming area, upon
9 presentation of appropriate credentials.

10 (g) The refusal to permit access to and the copying
11 of any record as authorized by section 11 of this Act.

12 (h) The using by any person to his own advantage, or
13 revealing, other than to the authorized representatives of
14 the Government in their official capacity, or to the courts
15 when relevant in any judicial proceeding under this Act,
16 any information acquired under the authority of this Act,
17 concerning any matter which as a trade secret is entitled
18 to protection.

19 (i) Delivering, receiving, transporting, selling, or offer-
20 ing for sale or transport any poultry slaughtered for human
21 food or any part thereof, separately or in combination with
22 other ingredients (other than poultry products as defined in
23 this Act), in commerce or from an official establishment
24 or in a designated major consuming area, except that such

1 poultry may be permitted to be transported between official
2 establishments and to foreign countries pursuant to rules
3 and regulations prescribed by the Secretary.

4 SEC. 10. No establishment processing poultry or poultry
5 products for commerce or in or for marketing in a designated
6 major consuming area shall process any poultry or poultry
7 product except in compliance with the requirements of this
8 Act.

9 RECORDS OF INTERSTATE SHIPMENT

10 SEC. 11. For the purpose of enforcing the provisions of
11 this Act, persons engaged in the business of processing, trans-
12 porting, shipping, or receiving poultry slaughtered for
13 human consumption or poultry products in commerce or in
14 a designated major consuming area, or holding such products
15 so received shall maintain records for a period of two years
16 following the transaction, showing, to the extent that they
17 are concerned therewith, the receipt, delivery, sale, move-
18 ment, or disposition of poultry and poultry products and
19 shall, upon the request of a duly authorized representa-
20 tive of the Secretary, permit him at reasonable times to have
21 access to and to copy all such records.

22 INJUNCTION PROCEEDINGS

23 SEC. 12. The district courts of the United States are
24 vested with jurisdiction specifically to enforce, and to pre-
25 vent and restrain violations of this Act. The remedies

1 provided for in this section shall be in addition to, and not
2 exclusive of, any of the remedies or penalties provided for
3 elsewhere in this Act or now or hereafter existing at law or
4 in equity.

5 PENALTIES

6 SEC. 13. (a) Any person who violates the provisions
7 of section 9, 10, 11, or 18, shall be guilty of a misdemeanor
8 and shall on conviction thereof be subject to imprisonment
9 for not more than one year, or a fine of not more than
10 \$5,000, or both such imprisonment and fine; but if such
11 violation is committed after a conviction of such person
12 under this section has become final such person shall be
13 subject to imprisonment for not more than two years, or
14 a fine of not more than \$10,000, or both such imprisonment
15 and fine.

16 (b) No carrier shall be subject to the penalties of this
17 Act, other than the penalties for violation of section 11, by
18 reason of his receipt, carriage, holding, or delivery, in the
19 usual course of business as a carrier, of slaughtered poultry
20 or poultry products, owned by another person unless the car-
21 rier has knowledge, or is in possession of facts which would
22 cause a reasonable person to believe that such slaughtered
23 poultry or poultry products were not inspected or marked
24 in accordance with the provisions of this Act or were not
25 otherwise eligible for transportation under this Act.

1 (c) In construing or enforcing the provisions of sec-
2 tions 9, 10, 11, and 18, the act, omission, or failure of any
3 person acting for or employed by any individual, partnership,
4 corporation, or association within the scope of his employ-
5 ment or office shall in every case be deemed the act, omis-
6 sion, or failure of such individual, partnership, corporation,
7 or association, as well as of such person.

8 REPORTING OF VIOLATIONS

9 SEC. 14. Before any violation of this Act is reported by
10 the Secretary to any United States attorney for institution
11 of a criminal proceeding, the person against whom such pro-
12 ceeding is contemplated shall be given reasonable notice of
13 the alleged violation and opportunity to present his views
14 orally or in writing with regard to such contemplated pro-
15 ceeding. Nothing in this Act shall be construed as requiring
16 the Secretary to report for criminal prosecution or for the
17 institution of injunction proceedings minor violations of this
18 Act whenever he believes that the public interest will be
19 adequately served and compliance with the Act obtained by
20 a suitable written notice or warning.

21 REGULATIONS

22 SEC. 15. The Secretary shall promulgate such rules and
23 regulations as are necessary to carry out the provisions of
24 this Act.

EXEMPTIONS

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SEC. 16. (a) The Secretary is authorized, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, to exempt from specific provisions of this Act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers only, if such poultry producers do not engage in the buying or selling of poultry products other than those produced from poultry raised on their own farms;

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however,* That no such exemption shall continue in effect on and after July 1, 1960; and

1 (4) persons slaughtering, processing, or otherwise
2 handling poultry or poultry products which have been
3 or are to be processed as required by recognized reli-
4 gious dietary laws, to the extent that the Secretary
5 determines necessary to avoid conflict with such require-
6 ments while still effectuating the purposes of this Act.

7 (b) The Secretary may by order suspend or terminate
8 any exemption under this section with respect to any person
9 whenever he finds that such action will aid in effectuating
10 the purposes of this Act.

11 VIOLATIONS BY EXEMPTED PERSONS

12 SEC. 17. Any person who sells, delivers, transports or
13 offers for sale or transportation in commerce or in a desig-
14 nated major consuming area any poultry or poultry prod-
15 ucts which are exempt under section 16, and which are
16 unwholesome or adulterated and are intended for human
17 consumption, shall be guilty of a misdemeanor and shall on
18 conviction thereof be subject to the penalties set forth in
19 section 13.

20 IMPORTS

21 SEC. 18. (a) No slaughtered poultry, or parts or prod-
22 ucts thereof, of any kind shall be imported into the United
23 States unless they are healthful, wholesome, fit for human
24 food and not adulterated and contain no dye, chemical,
25 preservative, or ingredient which renders them unhealthful,

1 unwholesome, adulterated, or unfit for human food and
2 unless they also comply with the rules and regulations made
3 by the Secretary of Agriculture to assure that imported
4 poultry or poultry products comply with the standards pro-
5 vided for in this Act. All imported slaughtered poultry,
6 or parts or products thereof, shall after entry into the United
7 States in compliance with such rules and regulations be
8 deemed and treated as domestic slaughtered poultry, or parts
9 or products thereof, within the meaning and subject to the
10 provisions of this Act and the Federal Food, Drug, and
11 Cosmetic Act, and Acts amendatory of, supplemental to, or
12 in substitution for such Acts.

13 (b) The Secretary of Agriculture is authorized to make
14 rules and regulations to carry out the purposes of this section
15 and in such rules and regulations the Secretary of Agriculture
16 may prescribe the terms and conditions for the destruction
17 of all slaughtered poultry, or parts or products thereof,
18 offered for entry and refused admission into the United States
19 unless such slaughtered poultry, or parts or products thereof,
20 be exported by the consignee within the time fixed therefor
21 in such rules and regulations.

22 (c) All charges for storage, cartage, and labor with re-
23 spect to any product which is refused admission pursuant to
24 this section shall be paid by the owner or consignee, and in
25 default of such payment shall constitute a lien against any

1 other products imported thereafter by or for such owner or
2 consignee.

3 GENERAL PROVISIONS

4 SEC. 19. (a) Poultry and poultry products shall be
5 exempt from the provisions of the Federal Food, Drug, and
6 Cosmetic Act, as amended, to the extent of the application
7 or the extension thereto of the provisions of this Act.

8 (b) In carrying out the provisions of this Act, the
9 Secretary may cooperate with other branches of government
10 and with State agencies and may conduct such examinations,
11 investigations and inspections as he determines practicable
12 through any officer or employee of a State commissioned
13 by the Secretary for such purpose.

14 COST OF INSPECTION

15 SEC. 20. The cost of inspection rendered under the re-
16 quirements of this Act shall be borne by the United States,
17 except that the cost of overtime and holiday work performed
18 in establishments subject to the provisions of this Act shall
19 be borne by such establishments. Sums received by the
20 Secretary in reimbursement for sums paid out by him for
21 such premium pay work shall be available without fiscal year
22 limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 21. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 22. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 23. This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive

1 such inspection, to all of the provisions and penalties pro-
2 vided for in this Act with respect to all poultry or poultry
3 products handled in the establishment for which said appli-
4 cation for inspection is made.

Passed the Senate April 8, 1957.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

APRIL 9, 1957

Referred to the Committee on Agriculture

100th CONGRESS
1ST Session

H. R. 6814

OF THE HOUSE OF REPRESENTATIVES

January 1, 2007

For the purpose of providing for the payment of certain
claims of the United States.

A BILL

For the purpose of providing for the payment of certain
claims of the United States.

1. That the Secretary of the Treasury shall pay to the
2. heirs of the persons who died in the service of the
3. United States in the line of duty, the sum of \$100,000
4. for each person so killed, and the sum of \$50,000
5. for each person so disabled.

100th CONGRESS

S. 1747

AN ACT

to amend the law relating to the

of the

85TH CONGRESS
1ST SESSION

H. R. 6814

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1957

Mr. WATTS introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

LEGISLATIVE FINDING

5
6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome poultry products in the channels of interstate
11 or foreign commerce are injurious to the public welfare,

1 adversely affect the marketing of wholesome poultry prod-
2 ucts, result in sundry losses to producers, and destroy mar-
3 kets for wholesome poultry products. The marketing of
4 wholesome poultry products is affected with the public
5 interest and directly affects the welfare of the people. All
6 poultry and poultry products which have or are required
7 to have inspection under this Act are either in the current
8 of interstate or foreign commerce or directly affect such
9 commerce. That part that enters directly into the current
10 of interstate or foreign commerce cannot be effectively in-
11 spected and regulated without also inspecting and regulating
12 all poultry and poultry products processed or handled in
13 the same establishment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popula-
16 tion directly affects the movement of poultry and poultry
17 products in interstate commerce. To protect interstate com-
18 merce in poultry and poultry products inspected for whole-
19 someness, from being adversely burdened, obstructed, or
20 affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture is authorized, pursuant to the pro-
22 visions of this Act, to designate major consuming areas
23 where poultry or poultry products are handled or consumed
24 in such volume as to affect the movement of inspected
25 poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. Upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this Act for such area to be subject to the provisions of this Act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this Act, he shall by order designate such area and prescribe the provisions of this Act which shall be ap-

1 plicable thereto and grant such exemptions therefrom as he
2 determines practicable. Such designation shall not become
3 effective until six months after the notice thereof is published
4 in the Federal Register. On and after the effective date of
5 such designation, all poultry and poultry products processed,
6 sold, received, or delivered in any such area shall be subject
7 to the provisions of this Act.

8 ANTE MORTEM AND POST MORTEM INSPECTION, REINSPEC-
9 TION AND QUARANTINE

10 SEC. 5. (a) For the purpose of preventing the entry
11 into or flow or movement in commerce or a designated major
12 consuming area of any poultry product which is unwhole-
13 some or adulterated, the Secretary shall, where and to the
14 extent considered by him necessary, cause to be made by in-
15 spectors ante mortem inspection of poultry in any official
16 establishment processing poultry or poultry products for
17 commerce or in, or for marketing in a designated city or area.

18 (b) The Secretary, whenever processing operations are
19 being conducted, shall cause to be made by inspectors post
20 mortem inspection of the carcass of each bird processed, and
21 such quarantine, segregation, reinspection as he deems neces-
22 sary of poultry and poultry products in each official estab-
23 lishment processing such poultry or poultry products for
24 commerce or in, or for marketing in a designated city or
25 area.

1 (c) All poultry carcasses and parts thereof and poultry
2 products found to be unwholesome or adulterated shall be
3 condemned and shall, if no appeal be taken from such
4 determination of condemnation, be destroyed for human food
5 purposes under the supervision of an inspector: *Provided*,
6 That carcasses, parts, and products, which may by reprocess-
7 ing be made not unwholesome and not adulterated, need not
8 be so condemned and destroyed if so reprocessed under the
9 supervision of an inspector and thereafter found to be not
10 unwholesome and not adulterated. If an appeal be taken
11 from such determination, the product shall be appropriately
12 marked and segregated pending completion of an appeal in-
13 spection, which appeal shall be at the cost of the appellant
14 if the Secretary determines that the appeal is frivolous. If
15 the determination of condemnation is sustained the product
16 shall be destroyed for human food purposes under the super-
17 vision of an inspector.

18 (d) The Secretary shall refuse to render inspection
19 to any establishment whose premises, facilities, or equipment,
20 or the operation thereof, fail to meet the requirements of
21 section 6 of this Act.

22 SANITATION, FACILITIES AND PRACTICES

23 SEC. 6. Each official establishment slaughtering poultry
24 or processing poultry products for commerce or in or for
25 marketing in a designated major consuming area shall have

1 such premises, facilities, and equipment, and be operated in
2 accordance with such sanitary practices, as are required and
3 approved by the Secretary for the purpose of preventing
4 the entry into or flow or movement in commerce or in a
5 designated city or area, of poultry products which are un-
6 wholesome or adulterated.

7 LABELING

8 SEC. 7. (a) Each shipping container of any poultry
9 product inspected under the authority of this Act and found
10 to be wholesome and not adulterated, shall at the time such
11 product leaves the official establishment bear, in distinctly
12 legible form, the official inspection mark and the approved
13 plant number of the official establishment in which the con-
14 tents were processed. Each immediate container of any
15 poultry product inspected under the authority of this Act
16 and found to be wholesome and not adulterated shall at
17 the time such product leaves the official establishment bear,
18 in addition to official inspection mark, in distinctly legible
19 form, the name of the product, a statement of ingredients
20 if fabricated from two or more ingredients including a
21 declaration as to artificial flavors, colors, or preservatives,
22 if any, the net weight or other appropriate measure of the
23 contents, the name and address of the processor and the
24 approved plant number of the official establishment in which
25 the contents were processed. The name and address of the

1 distributor may be used in lieu of the name and address
2 of the processor if the approved plant number is used to
3 identify the official establishment in which the poultry prod-
4 uct was prepared and packed.

5 (b) The use of any written, printed or graphic matter
6 upon or accompanying any poultry product inspected or
7 required to be inspected pursuant to the provisions of this
8 Act or the container thereof which is false or misleading is
9 prohibited. No poultry products inspected or required to
10 be inspected pursuant to the provisions of this Act shall be
11 sold or offered for sale by any person, firm, or corporation
12 under any false or deceptive name; but established trade
13 name or names which are usual to such products and which
14 are not false and deceptive and which shall be approved by
15 the Secretary are permitted. If the Secretary has reason
16 to believe that any label in use or prepared for use is false,
17 or misleading, he may direct that the use of the label be
18 withheld unless it is modified in such manner as the Secre-
19 tary may prescribe so that it will not be false or misleading.
20 If the person using or proposing to use the label does not
21 accept the determination of the Secretary, he may request
22 a hearing, but the use of the label shall, if the Secretary so
23 directs, be withheld pending hearing and final determination
24 by the Secretary. Any such determination by the Secre-
25 tary shall be conclusive unless within thirty days after the

1 receipt of notice of such final determination the person
2 adversely affected thereby appeals to the United States
3 court of appeals for the circuit in which he has his principal
4 place of business or to the United States Court of Appeals
5 for the District of Columbia Circuit. The provisions of sec-
6 tion 204 of the Packers and Stockyards Act of 1921, as
7 amended, shall be applicable to appeals taken under this
8 section.

9 PROHIBITED ACTS

10 SEC. 8. The following acts or the causing thereof are
11 hereby prohibited:

12 (a) The processing, sale or offering for sale, transpor-
13 tation, or delivery or receiving for transportation, in com-
14 merce or in a designated major consuming area of any poul-
15 try product, unless such poultry product has been inspected
16 for wholesomeness and unless the shipping container, if any,
17 and the immediate container are marked in accordance with
18 the provisions of this Act.

19 (b) The sale or other disposition for human food of any
20 poultry or poultry product which has been inspected and
21 declared to be unwholesome or adulterated under this Act.

22 (c) Falsely making or issuing, altering, forging, sim-
23 ulating, or counterfeiting any official inspection certificate,
24 memorandum, mark, or other identification or device for
25 making such mark or identification, used in connection with

1 the inspection of poultry, or poultry products under this
2 Act, or causing, procuring, aiding, assisting in, or being a
3 party to, such false making, issuing, altering, forging, simu-
4 lating, or counterfeiting, or knowingly possessing, without
5 promptly notifying the Secretary of Agriculture or his rep-
6 resentative, uttering, publishing, or using as true, or causing
7 to be uttered, published, or used as true, any such falsely
8 made or issued, altered, forged, simulated, or counterfeited
9 official inspection certificate, memorandum, mark, or other
10 identification, or device for making such mark or identifica-
11 tion, or representing that any poultry or poultry product
12 has been officially inspected under the authority of this Act
13 when such poultry or poultry product has in fact not been
14 so inspected.

15 (d) Using in commerce, or in a designated city or area,
16 a false or misleading label on any poultry product.

17 (e) The use of any container bearing an official inspec-
18 tion mark except for the poultry product in the original form
19 in which it was inspected and covered by said mark unless
20 the mark is removed, obliterated, or otherwise destroyed.

21 (f) The refusal to permit access by any duly authorized
22 representative of the Secretary, at all reasonable times, to
23 the premises of an establishment engaged in processing poul-
24 try or poultry products for commerce, or in or for marketing

1 in a designated city or area, upon presentation of appropriate
2 credentials.

3 (g) The refusal to permit access to and the copying of
4 any record as authorized by section 10 of this Act.

5 (h) The using by any person to his own advantage, or
6 revealing, other than to the authorized representatives of
7 the Government in their official capacity, or to the courts
8 when relevant in any judicial proceeding under this Act, any
9 information acquired under the authority of this Act, con-
10 cerning any matter which as a trade secret is entitled to
11 protection.

12 (i) Delivering, receiving, transporting, selling, or offer-
13 ing for sale or transport for human consumption any
14 slaughtered poultry or any part thereof, separately or in
15 combination with other ingredients (other than poultry
16 products as defined in this Act), in commerce or from an
17 official establishment or in a designated major consuming
18 area, except that such poultry may be permitted to be trans-
19 ported between official establishments and to foreign coun-
20 tries pursuant to rules and regulations prescribed by the
21 Secretary.

22 SEC. 9. No establishment processing poultry or poultry
23 products for commerce or in or for marketing in a designated
24 city or area shall process any poultry or poultry product
25 except in compliance with the requirements of this Act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 10. For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Nothing in this section shall be construed as requiring the maintenance of a record for a period longer than two years after the transaction, which is the subject of such record, has taken place.

INJUNCTION PROCEEDINGS

SEC. 11. The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act. The remedies provided for in this section shall be in addition to, and not exclusive of, any of the remedies or penalties provided for elsewhere in this Act or now or hereafter existing at law or in equity.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 8, 9, 10, or 17, shall be guilty of a misdemeanor

1 and shall on conviction thereof be subject to imprisonment
2 for not more than six months, or a fine of not more than
3 \$3,000, or both such imprisonment and fine; but if such
4 violation is committed after one conviction of such person
5 under this section has become final such person shall be
6 subject to imprisonment for not more than one year, or a fine
7 of not more than \$5,000, or both such imprisonment and
8 fine; but if such violation is committed after two or more
9 convictions of such person under this section have become
10 final such person shall be subject to imprisonment for not
11 more than two years, or a fine of not more than \$10,000,
12 or both such imprisonment and fine. When construing or
13 enforcing the provisions of said sections the act, omission,
14 or failure of any person acting for or employed by any indi-
15 vidual, partnership, corporation, or association within the
16 scope of his employment or office shall in every case be
17 deemed the act, omission, or failure of such individual, part-
18 nership, corporation, or association, as well as of such person.

19 (b) No carrier shall be subject to the penalties of this
20 section for a violation of the provisions of sections 8 or 17
21 by reason of his receipt, carriage, holding or delivery, in
22 the usual course of business as a carrier of slaughtered poultry
23 or poultry products, owned by another person unless the
24 carrier has knowledge, or is in possession of facts which
25 would cause a reasonable person to believe that such

1 slaughtered poultry or poultry products were not inspected
2 or marked in accordance with the provisions of this Act
3 or were not eligible for transportation under this Act. Any
4 carrier who with or without knowledge violated section 10
5 of this Act shall be subject to the penalties of this section.

6 SEC. 13. Before any violation of this Act is reported
7 by the Secretary to any United States attorney for institu-
8 tion of a criminal proceeding the person against whom such
9 proceeding is contemplated shall be given reasonable notice
10 of the alleged violation and opportunity to present his views
11 orally or in writing with regard to such contemplated
12 proceeding. Nothing in this Act shall be construed as re-
13 quiring the Secretary to report for criminal prosecution or
14 for the institution of injunction proceedings violations of
15 this Act whenever he believes that the public interest will
16 be adequately served and compliance with the Act obtained
17 by a suitable written notice or warning.

18 REGULATIONS

19 SEC. 14. The Secretary shall promulgate such rules
20 and regulations as are necessary to carry out the provisions
21 of this Act.

22 EXEMPTIONS

23 SEC. 15. (a) The Secretary is authorized, by regulation
24 and under such conditions as to sanitary standards, prac-

1 tices, and procedures as he may prescribe, to exempt from
2 specific provisions of this Act—

3 (1) poultry producers with respect to poultry of
4 their own raising on their own farms which they sell
5 directly to household consumers only: *Provided*, That
6 such poultry producers do not engage in buying or selling
7 poultry products other than those produced from poultry
8 raised on their own farms.

9 (2) retail dealers with respect to poultry products
10 sold directly to consumers in individual retail stores:
11 *Provided*, That the only processing operation performed
12 by such retail dealers is the cutting up of poultry products
13 on the premises in which such sales to consumers are
14 made;

15 (3) for such period of time as the Secretary deter-
16 mines that it would be impracticable to provide inspection
17 and the exemption will aid in the effective administration
18 of this Act, any person engaged in the processing of
19 poultry or poultry products for commerce and the poultry
20 or poultry products processed by such person: *Provided*,
21 *however*, That no such exemption shall continue in effect
22 on and after July 1, 1960.

23 (4) persons slaughtering, processing, or otherwise
24 handling poultry or poultry products which have been
25 or are to be processed as required by recognized reli-

1 gious dietary laws, to the extent that the Secretary
2 determines necessary to avoid conflict with such require-
3 ments while still effectuating the purposes of this Act.

4 (b) The Secretary may by order suspend or terminate
5 any exemption under this section with respect to any person
6 whenever he finds that such action will aid in effectuating
7 the purposes of this Act.

8 VIOLATIONS BY EXEMPTED PERSONS

9 SEC. 16. Any person who sells, delivers, transports or
10 offers for sale or transportation in commerce or in a desig-
11 nated major consuming area any poultry products which are
12 exempt under section 15, knowing that such products are
13 unwholesome and are intended for human consumption, shall
14 be guilty of a misdemeanor and shall on conviction thereof
15 be subject to the penalties set forth in section 12.

16 IMPORTS

17 SEC. 17. (a) No slaughtered poultry, or parts or
18 products thereof, of any kind shall be imported into the
19 United States unless they are healthful, wholesome, and fit
20 for human food, not adulterated, and contain no dye, chem-
21 ical, preservative, or ingredient which renders them un-
22 healthful, unwholesome, adulterated, or unfit for human
23 food and unless they also comply with the rules and regu-
24 lations made by the Secretary of Agriculture to assure that
25 imported poultry or poultry products comply with the

1 standards provided for in this Act. All imported slaugh-
2 tered poultry, or parts or products thereof, shall after entry
3 into the United States in compliance with such rules and
4 regulations be deemed and treated as domestic slaughtered
5 poultry, or parts or products thereof, within the meaning
6 and subject to the provisions of this Act and the Federal
7 Food, Drug, and Cosmetic Act, and Acts amendatory of,
8 supplemental to, or in substitution for such Acts.

9 (b) The Secretary of Agriculture is authorized to make
10 rules and regulations to carry out the purposes of this sec-
11 tion and in such rules and regulations the Secretary of
12 Agriculture may prescribe the terms and conditions for the
13 destruction of all slaughtered poultry, or parts or products
14 thereof, offered for entry and refused admission into the
15 United States unless such slaughtered poultry, or parts or
16 products thereof, be exported by the consignee within the
17 time fixed therefor in such rules and regulations.

18 (c) All charges for storage, cartage, and labor with
19 respect to any product which is refused admission pursuant
20 to this section shall be paid by the owner or consignee, and
21 in default of such payment shall constitute a lien against
22 any other products imported thereafter by or for such owner
23 or consignee.

GENERAL PROVISIONS

SEC. 18. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this Act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of government and with State agencies and may conduct such examinations, investigations and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 19. The cost of inspection rendered under the requirements of this Act shall be borne by the United States. The Secretary of Agriculture is authorized in his discretion to pay employees of the Department of Agriculture, employed in establishments subject to the provisions of this Act, for overtime or holiday work performed at such establishments at such rates as he may determine and to accept from

1 such establishments wherein such premium pay work is
2 performed reimbursement for any sums paid out by him for
3 such work such reimbursement to be available without fiscal
4 year limitation to carry out the purposes of this section.

5 APPROPRIATIONS

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

9 SEPARABILITY OF PROVISIONS

SEC. 21. If any provision of this Act or the applica-
tion thereof to any person or circumstances is held invalid,
the validity of the remainder of the Act and of the appli-
cation of such provision to other persons and circumstances
shall not be affected thereby.

15 DEFINITIONS

16 SEC. 22. For purposes of this Act—

(a) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term “Secretary” means the Secretary of
Agriculture.

(c) The term “person” means any individual, partnership, corporation, association, or any other business unit.

1 (d) The term "poultry" means any live or slaughtered
2 domesticated bird.

3 (e) The term "poultry product" means any poultry
4 which has been slaughtered for human food from which the
5 blood, feathers, feet, head, and viscera have been removed
6 in accordance with rules and regulations promulgated by
7 the Secretary, any edible part of poultry, or, unless ex-
8 empted by the Secretary, any human food product consist-
9 ing of any edible part of poultry separately or in combination
10 with other ingredients.

11 (f) The term "wholesome" means sound, healthful,
12 clean, and otherwise fit for human food.

13 (g) The term "unwholesome" means:

14 (1) Unsound, injurious to health, or otherwise rendered
15 unfit for human food.

16 (2) Consisting in whole or in part of any filthy, putrid,
17 or decomposed substance.

18 (3) Processed, prepared, packed, or held under un-
19 sanitary conditions whereby a poultry carcass or parts
20 thereof or any poultry product may have become contami-
21 nated with filth or whereby a poultry product may have been
22 rendered injurious to health.

23 (4) Produced in whole or in part from poultry which
24 has died otherwise than by slaughter.

25 (5) Packaged in a container composed of any poison-

1 ous or deleterious substance which may render the contents
2 injurious to health.

3 (h) The term "adulterated" shall apply to poultry and
4 poultry products under one or more of the following cir-
5 cumstances:

6 (1) If they bear or contain any poisonous or deleterious
7 substance which may render them injurious to health; but,
8 in case the substance is not an added substance, such poultry
9 and poultry products shall not be considered adulterated
10 under this clause if the quantity of such substance in such
11 poultry and poultry products does not ordinarily render them
12 injurious to health.

13 (2) If they bear or contain any added poisonous or
14 added deleterious substance, unless such substance is per-
15 mitted in their production or unavoidable under good manu-
16 facturing practices as may be determined by rules and regula-
17 tions hereunder prescribed by the Secretary or other pro-
18 visions of Federal law limiting or tolerating the quantity
19 of such added substance on or in such poultry and poultry
20 products: *Provided*, That any quantity of such added sub-
21 sistence exceeding the limits so fixed shall also be deemed to
22 constitute adulteration.

23 (3) If any substance has been substituted, wholly or in
24 part, therefor.

1 (4) If damage or inferiority has been concealed in
2 any manner.

3 (5) If any valuable constituent has been in whole or
4 in part omitted or abstracted therefrom.

5 (6) If any substance has been added thereto or mixed
6 or packed therewith so as to increase its bulk or weight, or
7 reduce its quality or strength, or make it appear better or of
8 greater value than it is.

9 (i) The term “inspector” means: (1) an employee or
10 official of the United States Government authorized by the
11 Secretary to inspect poultry and poultry products under the
12 authority of this Act, or (2) any employee or official of any
13 State government authorized by the Secretary to inspect
14 poultry and poultry products under authority of this Act,
15 under an agreement entered into between the Secretary and
16 the appropriate State agency.

17 (j) The term “official inspection mark” means the
18 symbol, formulated pursuant to rules and regulations pre-
19 scribed by the Secretary, stating that the product was
20 inspected.

21 (k) The term “inspection service” means the official
22 Government service within the Department of Agriculture,
23 designated by the Secretary as having the responsibility for
24 carrying out the provisions of this Act.

1 (1) The terms "container" or "package" include any
2 box, can, tin, cloth, plastic, or any other receptacle, wrapper,
3 or cover.

4 (m) The term "official establishment" means any
5 establishment as determined by the Secretary at which in-
6 spection of the slaughter of poultry, or the processing of
7 poultry products, is maintained under the authority of this
8 Act.

9 (n) The term "label" means any written, printed, or
10 graphic material on the shipping container, if any, or upon
11 the immediate container, including but not limited to an
12 individual consumer package, or the poultry product, or
13 accompanying such product.

14 (o) The term "shipping container" means any container
15 used or intended for use in packaging the product packed in
16 an immediate container.

17 (p) The term "immediate container" includes any con-
18 sumer package; or any carton, box, barrel, or other receptacle
19 in which poultry carcasses or poultry products, not consumer
20 packaged, are packed.

21 EFFECTIVE DATE

22 SEC. 23. This Act shall take effect upon enactment,
23 except that no person shall be subject to the provisions of
24 this Act prior to January 1, 1959, unless such person after
25 January 1, 1958, applies for and receives inspection for

1 poultry or poultry products in accordance with the pro-
2 visions of this Act and pursuant to regulations promulgated
3 by the Secretary hereunder, in any establishment processing
4 poultry or poultry products in commerce or in a designated
5 major consuming area. Any person who voluntarily applies
6 for and receives such inspection after January 1, 1958, shall
7 be subject, on and after the date he commences to receive
8 such inspection, to all of the provisions and penalties pro-
9 vided for in this Act with respect to all poultry or poultry
10 products handled in the establishment for which said appli-
11 cation for inspection is made.

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. WATTS

APRIL 10, 1957

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 7, 1957
For actions of May 3, 1957
85th-1st, No. 74

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HIGHLIGHTS: House passed bills for sale of extra-long staple cotton from stockpile and for relief from certain CCC claims in emergency feed program. Rep. Coad criticized administration of farm program. House committee reported (May 3) third supplemental appropriation bill. House committee ordered reported bills to extend Public Law 480, to provide compulsory inspection of poultry, and to provide self-help meat promotion program.

HOUSE - May 3

1. THIRD SUPPLEMENTAL APPROPRIATION BILL, 1957. The Appropriations Committee reported without amendment this bill, H.R. 7221, (H. Rept. 386). p. 5710 The bill includes the following items for this Department:

Agricultural Research Service:

Increase of \$66,000 in limitation on construction of buildings for replacement of a building at the Big Spring (Tex.) Field Station.

Penalty mail costs of State Experiment Station Directors, \$250,000.

Federal Extension Service, penalty mail costs of State Extension Service Directors, \$514,000.

Office of the Secretary, increased costs resulting from Federal Pay Act of 1956, \$23,400.

Forest Service, control of forest pests, \$800,000.

(All of the above amounts are the same as the Budget Estimates and would be provided by transfer from other appropriations of the Department.)

Increase in administrative expense limitation for Commodity Credit Corporation, \$2,000,000 (Budget Estimate, \$2,500,000).

Various amounts for claims for damages, audited claims, and judgments.

Excerpts from the committee report:

Emergency range conservation. "The committee has not included budget language which would have permitted the transfer of \$25,000,000 from funds available to the Soil Bank to implement the recommendations on deferred

grazing in the President's recent drought message. New legislation on this subject has just been adopted which will require the submission of a revised estimate at a later date. The Committee feels that this item should be denied at this time. Also, it is to be noted that the situation has now changed in much of the drought area."

Employees' life insurance. "The Committee has not approved a \$76,500 increase in limitation for administrative expenses of this fund. The amount was requested for the Federal Government to assume the assets and liabilities of certain employee beneficial associations. Approval would cost the insurance fund \$22,000,000. The Committee is sympathetic, however, to the insurance needs of members of associations who retired from Federal employment before the Federal insurance program became effective, and would consider a fair and reasonable ^{proposal} by the Civil Service Commission to assume the policies of such members."

Flood insurance. "The committee has denied the \$50,000,000 budget estimate to institute a new and experimental subsidy program of Federal flood insurance, but recommends that the agency use the \$325,000 it now has for further study to develop a more workable plan. The proposal for flood indemnity that has been presented to the Committee is too indefinite and costly.

"The present plan contemplates that 40% of the cost of the premium and all administrative costs would be borne by the Federal government. The premium cost is almost prohibitive. The Government would underwrite all losses, and estimates of those losses are too indefinite. The program certainly would be very costly to the Government and the policyholders.

"It is clear that the budget estimate for \$50,000,000 is merely the initial step committing the taxpayers to a new program and the Committee does not recommend such a step at this time when every effort is being made to reduce Federal spending."

HOUSE - May 6

2. COTTON. Passed without amendment H. J. Res. 172, to provide for the transfer of 50,000 bales of extra-long staple cotton from the stockpile to CCC for sale at not less than the prices which CCC may sell its own stocks. p. 5666
3. FEED GRAINS. Passed without amendment H.R. 2486, to authorize CCC to grant relief with respect to claims arising out of deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders under the emergency feed program. p. 5666
4. FARM PROGRAM. Rep. Coad criticized farm policies as being favorable to the "large, efficient commercial farmers," and urged the appointment of former Congressman Clifford Hope as Secretary of Agriculture. pp. 5660-61
5. ~~SURPLUS DISPOSAL; POULTRY; MEATS.~~ The Agriculture Committee ordered reported, on May 3, the following bills: p. D375
 - ~~H.R. 6974, to extend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) for one year, to increase the authorization under Title I from \$3 billion to \$4 billion, and to authorize \$300 million additional under Title II for famine relief.~~
 - H.R. 6814, to provide for the compulsory inspection by the Department of Agriculture of poultry and poultry products.
 - H.R. 5244 (a clean bill to be introduced), to provide for a self-help meat promotion program.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 21, 1957
For actions of May 20, 1957
85th-1st, No. 84

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HIGHLIGHTS: Senate passed third supplemental appropriation bill; USDA items agreed to as reported. Sen. Williams criticized loans to poultry industry. House committee reported compulsory poultry inspection bill. Rep. Berry commended REA programs.

HOUSE

1. POULTRY INSPECTION. The Agriculture Committee reported without amendment H.R. 6814, to provide for the compulsory inspection by this Department of poultry and poultry products (H. Rept. 465). p. 6505
2. APPROPRIATIONS. Conferees were appointed on H.R. 6700, the Commerce and related agencies appropriation bill for 1958. Senate conferees were appointed May 17. p. 6479
3. BUDGETING. Rep. Keating announced that a subcommittee of the Judiciary Committee will begin hearings Mon., May 27, on H.J. Res. 47, to permit the President to veto individual items in appropriation bills. p. 6479
4. FORESTRY. Passed over, at the request of Rep. Cunningham, S. 469, to authorize the U.S. to defray the cost of assisting the Klamath Indians to prepare for termination of Federal supervision and to defer sales of tribal property. p. 6480
Received a Calif. Legislature memorial favoring leasing or giving control to the Parker Kam County Recreation District of the lands located within the boundaries of the district. p. 6506

5. MEATS. Passed over, at the request of Rep. Weaver, H.R. 7244, to amend the Packers and Stockyards Act so as to permit deductions for a self-help meat promotion program. p. 6483
6. FOREIGN AID. Rep. McVey urged a curtailment of the mutual-security program, and inserted a table of the amounts various countries have received under the program from 1945 to 1956. pp. 6495-6
7. PERSONNEL. Rep. Curtis urged pay increases for Federal employees and the recognition of unions as bargaining agents for employees. pp. 6502-3
8. ELECTRIFICATION. Received from GAO the 1956 audit report on TVA. p. 6504
9. RECLAMATION. The Public Works Committee was discharged from further consideration of H.R. 7063, to modify the authorization for construction of the eastern portion of the Missouri-Souris unit of the Missouri River Basin project so as to provide works for furnishing water to approximately 1,000,000 acres of certain land, and the bill was referred to the Interior and Insular Affairs Committee. p. 6473

SENATE.

10. APPROPRIATIONS. Passed with amendments H.R. 7221, the third supplemental appropriation bill for 1957, by a vote of 72 to 5 (pp. 6430-49, 6457-63). Agreed to the committee amendments regarding items for this Department as reported in Digest 82 (p. 6431). Rejected, 27-50, an amendment by Sen. Williams to provide for State participation by payment of 25% of the sums spent under the Disaster Loan Revolving Fund (pp. 6443-9). Senate conferees were appointed. (p. 6463)
11. POULTRY; FARM LOANS. Sen. Williams criticized loans to the poultry industry at a time when the Department was seeking to curtail production. He inserted an itemized breakdown of \$35 million he stated was loaned to poultrymen by the Farmers' Home Administration, Federal Housing Administration, Small Business Administration, Banks for Cooperatives, Federal Land Banks, and Federal Intermediate Credit Banks. He urged that the "overlapping jurisdiction" of the lending agencies be investigated. pp. 6470-7
12. HOUSING. The Banking and Currency Committee reported with amendments H.R. 6659 the proposed Housing Act of 1957 (S. Rept. 368). pp. 6412-14
13. PROPERTY. Received from GSA a proposed bill amending the Federal Property and Administrative Services Act; to Government Operations Committee. p. 6410
Agreed to print as a Senate Document a GSA report, "Real Property Leased to the United States Throughout the World, as of July 1, 1956" (S. Doc. 41). pp. 6416-7
14. FLOOD INSURANCE. Sen. Symington urged appropriations to implement the Federal flood insurance program, and inserted an editorial to that end. p. 6420
15. FLOOD CONTROL. Several Senators discussed the importance of flood control public works projects. pp. 6449-53
16. BUDGET. Sen. Symington inserted an editorial "How to Reduce the Federal Budget," and another, "To Save \$5 Billion." pp. 6420-1

INSPECTION OF POULTRY AND POULTRY PRODUCTS

MAY 20, 1957.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H. R. 6814]

The Committee on Agriculture, to whom was referred the bill (H. R. 6814) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL STATEMENT

The purpose of this bill is to establish a system of compulsory inspection by the Federal Government of poultry and poultry products in interstate commerce and in major intrastate consuming areas of such size and consequence as to necessarily effect interstate commerce. Such inspection would be rounded out by requirements as to the maintenance of sanitary facilities and practices and as to correct and informative labeling of products.

The bill does not regulate in any manner the handling, shipment, or sale of live poultry. It does not apply to poultry processors not engaged in interstate commerce unless the processor operates or markets within an area designated by the Secretary under section 4. The bill does not apply in any manner to the processing or sale of eggs or egg products or game birds. Specific exemptions are provided for producers who process their own poultry and sell it direct to household consumers. In addition, the bill authorizes the Secretary to grant exemptions under certain circumstances to retailers, processors within designated urban areas, and poultry processed in accordance with religious dietary laws.

HEARINGS

Hearings on this legislation were started in the 84th Congress by the Poultry and Egg Subcommittee of this committee. They were

resumed by the same subcommittee in March of this year at which time more than 70 witnesses presented testimony or statements on this matter. Bills under consideration were H. R. 12 and H. R. 5398 by Mrs. Sullivan, H. R. 377 and H. R. 5489 by Mr. Polk, H. R. 514 by Mr. Abernethy, H. R. 767 by Mr. McIntire, H. R. 899 by Mr. Price, H. R. 1964 by Mr. Miller, H. R. 3052 by Mr. Hoeven, H. R. 4357 and H. R. 5403 by Mr. Anfuso, and H. R. 5463 by Mr. Elliott. During the course of the hearings, testimony was presented by 34 groups representing some part of the poultry industry, 16 health officers or other representatives of States and cities, 12 representatives of labor unions and professional groups or societies, 6 general consumer organizations, and all the major farm organizations. Without exception, all the witnesses expressed themselves in favor of some type of compulsory poultry inspection. Both the Department of Agriculture and the Department of Health, Education, and Welfare appeared in favor of the legislation. There was no general agreement on details but there was virtually unanimous agreement with the major objectives of the proposed legislation.

At the conclusion of the hearings the subcommittee drafted a clean bill which was introduced by the subcommittee chairman and is favorably reported herewith without amendment. Following is a section-by-section statement of the major provisions in the bill.

SECTION BY SECTION EXPLANATION OF THE BILL

SHORT TITLE

Section 1 provides a short title "Poultry Products Inspection Act."

LEGISLATIVE FINDINGS

Section 2 contains legislative findings as to the necessity of the inspection and regulation provided by the act to protect interstate and foreign commerce in poultry and poultry products and authorizes the Secretary of Agriculture to designate "major consuming areas" which shall be within the purview of this statute.

DECLARATION OF POLICY

Section 3 declares the congressional policy to provide inspection of poultry and poultry products to prevent the movement in interstate or foreign commerce or designated "major consuming areas" of unwholesome or adulterated poultry products.

DESIGNATION OF MAJOR CONSUMING AREAS FOR REGULATION

Section 4 authorizes the Secretary of Agriculture, after a public hearing called upon the application of any appropriate State or local official or of any appropriate poultry industry group, to designate major consuming areas where poultry or poultry products are marketed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate or foreign commerce. Designation would be made by notice in the Federal Register, specifying an effective date not less than 6 months after such notice. The Secretary of Agriculture under this section has full discretion in

determining whether a major consuming area shall be designated, taking into consideration the views, evidence, and other data submitted at the hearing and such other information as may be available to him.

ANTE MORTEM AND POST MORTEM INSPECTION AND REINSPECTION

Section 5 (a) requires ante mortem inspection where and to the extent the Secretary deems necessary. Section 5 (b) requires a post mortem inspection of each carcass processed in "official establishments," those plants processing poultry or poultry products for interstate or foreign commerce or in or for major consuming areas designated under section 4. The Secretary is required to cause to be made some form of examination of the carcass of each bird processed in an "official establishment." The committee received testimony to the effect that scientific and technical knowledge presently applied to poultry processing techniques requires some form of examination of each carcass. The Department of Agriculture advises that the carcass of each bird processed is examined under the voluntary inspection program now in effect. The committee in placing this requirement in the bill does so with the direction to the Secretary that he shall at all times provide sufficient inspectors and employ such procedures as will not slow down processing operations in the plants being inspected. This subsection also authorizes reinspection when necessary to determine that wholesomeness has been maintained and quarantine of diseased or contaminated poultry or poultry products to prevent the contamination of healthy poultry or wholesome poultry products.

CONDEMNATION, REPROCESSING, REFUSAL OF INSPECTION

Section 5 (c) requires that poultry products and parts thereof found upon inspection to be unwholesome or adulterated are to be condemned and destroyed for human-food purposes under supervision of an inspector, unless they are reprocessed under such supervision so as to be not unwholesome or adulterated and thereafter pass inspection. Provision is made for appeal from condemnation. Section 5 (d) directs the Secretary to refuse to render inspection to any establishment not meeting the sanitary requirements of section 6.

SANITARY REGULATIONS

Section 6 requires that official establishments shall have premises, facilities, and equipment meeting sanitary standards, and be operated in accordance with sanitary practices required by regulations of the Secretary for the purposes of the act. It will be the duty of the inspection service to enforce these regulations and inspection services will be refused establishments failing to meet the requirements of this section. The committee recognizes that regulations to carry out the purpose of this section, while imposing a uniform standard of assuring the processing of a wholesome product, may impose varying requirements on different types of processing operations. For example, a small producer-processor whose product moves immediately to another processing plant or to market after slaughter and evisceration, might not be required to have the elaborate refrigeration facilities required in

a large plant where poultry products are to be stored for some period of time.

LABELING REQUIREMENTS

Section 7 (a) requires shipping containers of poultry products inspected and found wholesome under the act to be labeled with the official inspection mark and the plant number of the processing plant. Each immediate container is required to bear, in addition to the material required on the shipping container, the name of the product, a statement of ingredients if fabricated from two or more ingredients, a statement of any artificial flavoring, artificial coloring, or chemical preservative it bears or contains, the quantity, and the name and address of either the processing plant or the distributor.

FALSE OR MISLEADING LABELING

Section 7 (b) prohibits false or misleading labeling. Subject to administrative and court appeal, the Secretary may direct the modification of any label so that it will not be false or misleading. The Secretary has the same authority with respect to established trade name or names which are usual to such products as he presently has with respect to red meats under the Meat Inspection Act.

PROHIBITED ACTS

Section 8 prohibits—

(a) the processing, sale or offering for sale, introduction, delivery for introduction, transportation, or receiving for transportation, in interstate or foreign commerce or in a designated major consuming area, of any poultry product not inspected and labeled in accordance with the act;

(b) the sale of or other disposition for human food of any poultry or poultry product found unwholesome or adulterated under the act;

(c) forgery and similar specified actions with respect to inspection certificates, marks, and devices, and misrepresentation of products as inspected;

(d) using in interstate or foreign commerce or in "designated" major consuming areas of false or misleading labeling;

(e) improper use of containers bearing official inspection marks;

(f) refusal to permit access at reasonable times to establishments processing poultry or poultry products for interstate or foreign commerce, or in or for "designated" major consuming areas;

(g) refusal to permit access to and copying of records as required by section 10.

(h) improper use, or revealing of, information acquired under authority of the act concerning trade secrets;

(i) delivering, receiving, transporting, selling, or offering for sale or transport, in interstate or foreign commerce or "designated" major consuming areas, poultry slaughtered for human food unless the blood, feathers, feet, head, and viscera have been removed in accordance with rules prescribed by the Secretary. Transport between official establishments or to foreign countries pursuant to rules prescribed by the Secretary would, however, be permitted, provided that poultry for export complies with the

laws of the importing country. This would specifically prohibit the movement of "New York dressed poultry" in commerce or in a designated major consuming area or from an official establishment, except between official establishments and under exemptions under section 4 as authorized by the Secretary. The committee realizes that this provision may cause some problems and that some exemptions may be necessary. In making any such exemptions the Secretary should take all reasonable precautions to assure that only wholesome poultry or poultry products are marketed. It is further pointed out that none of the provisions of this bill apply to a poultry producer or processor not engaged in interstate commerce and not within a major consuming area designated by the Secretary.

COMPLETE COVERAGE OF "OFFICIAL ESTABLISHMENTS"

Section 9 prohibits any establishment processing poultry or poultry products for interstate or foreign commerce or in or for a "designated" major consuming area from processing any poultry or poultry product except in compliance with the act. This would prohibit any such establishment from processing any poultry or poultry product without inspection.

RECORDS

Section 10 requires persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in interstate or foreign commerce or in a "designated" major consuming area, or holding products so received, to maintain records for a period of 2 years following such transactions, and to permit access to and copying of records, showing the movement in such commerce or area, or holding, of any such poultry or product and the quantity, shipper, and consignee thereof.

INJUNCTIONS

Section 11 provides for injunctions to restrain violations.

PENALTIES

Section 12 provides penalties for violation of sections 8, 9, 10, and 17, with increased maximum penalties for second, third, and subsequent offenses. The degree of proof with respect to violations subject to the penalties is the same as in the Meat Inspection Act and the Federal Food, Drug, and Cosmetic Act. It is a program for the protection of the public health comparable to these two acts and, therefore, knowledge or willfulness on the part of the person concerned in a violation is not an element of the violation and need not be established by the Government in enforcement proceedings. In exercising his discretion under section 13 with respect to the reporting of violations, however, it is expected that the Secretary will take into account evidence that the violation was unintentional. Common carriers are exempted from penalties of the act other than the penalties for violation of section 10 (maintenance of records and availability thereof) with respect to their usual course of business as a carrier of slaughtered poultry or poultry products owned by another person unless they

have knowledge of facts indicating that the poultry or product was not inspected or marked as required by the act.

REPORTING OF VIOLATIONS

Section 13 provides that before institution of any criminal proceeding, the accused shall be given an opportunity to present his views and gives the Secretary discretion to issue warnings or citations in lieu of reporting violations for the institution of criminal or injunction proceedings, if he believes that the public interest will be adequately protected and compliance obtained by such action.

REGULATIONS

Section 14 provides for regulations.

EXEMPTIONS

Section 15 authorizes the Secretary by regulation and under such conditions as he may prescribe to exempt, in certain circumstances, from specific provisions of the act—poultry producers, retail dealers, processing as required by recognized religious dietary laws, and instances where the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of the act, provided that such last exemption shall not be continued on and after July 1, 1960.

VIOLATIONS BY EXEMPTED PERSONS

Section 16 imposes penalties on persons exempt from other provisions of the act for selling for human consumption products which are know to be unwholesome.

IMPORTS

Section 17 (a) provides that slaughtered poultry, parts, and products for import must be wholesome, unadulterated, and comply with regulations of the Secretary to assure that they meet the standards provided for in the act. After importation they are subject to the provisions of the Federal Food, Drug, and Cosmetic Act as well as this act. The Department contemplates issuing regulations similar to those for the importation of meat under the Imported Meat Act (19 U. S. C. 1306).

Section 17 (b) authorizes the Secretary to make rules and regulations dealing with the destruction of slaughtered poultry, parts, and products which have been refused admission to this country, unless they be exported by the consignee within the time fixed by rules and regulations prescribed by the Secretary.

Section 17 (c) provides that all costs, such as storage and cartage, shall be paid for by the owner or consignee of slaughtered poultry, parts, and products thereof refused admission under this section.

EXEMPTION FROM FEDERAL FOOD, DRUG, AND COSMETIC ACT

Section 18 (a) gives the Secretary of Agriculture exclusive jurisdiction over poultry and poultry products within the scope of this bill

and provides the same exemption for poultry and poultry products from the Federal Food, Drug, and Cosmetic Act as presently applies to red meats.

COOPERATION WITH OTHER AGENCIES

Section 18 (b) provides for cooperation between Federal and State agencies.

INSPECTION COSTS

Section 19 provides that the cost of inspection, except overtime, performed in official establishments shall be borne by the United States. Overtime may be paid to employees by the Secretary, but the Secretary will be reimbursed by the establishment in which the overtime occurred. This reimbursement shall be available to the Secretary without fiscal-year limitation to carry out the purposes of the section. This will provide continuity in the availability of funds to meet the overtime demands of industry at the beginning of the fiscal year. Appropriations for regular inspection will not be augmented by this provision.

APPROPRIATIONS

Section 20 authorizes appropriations necessary to carry out the act.

SEPARABILITY

Section 21 provides for separability in case any provision is held invalid.

DEFINITIONS

Section 22 defines terms used in the act. The definition of "poultry" in subsection (d) applies only to domesticated fowls and does not include game birds. The term "poultry product" as defined in subsection (e) will prevent the movement of "New York dressed" poultry except as provided in section 8 (i) or under the exemptions authorized in section 4 and section 15. The definition of the terms "unwholesome" and "adulterated" in subsections (g) and (h) cover all the points contained in the definition of "adulteration" in the Federal Food, Drug, and Cosmetic Act. The term "inspector" defined in subsection (i) includes not only Federal employees but also State employees or officials authorized, pursuant to an agreement between the Secretary and the appropriate State agency, to make inspections under this act. The term "inspection service" is defined in subsection (k) to be the official service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this act. The committee feels that the Secretary of Agriculture is in the best position to determine, considering all relevant factors, which agency within his Department can better achieve the objectives of the act.

EFFECTIVE DATE

Section 23 makes the act effective upon enactment, but provides that no person shall be subject to the act prior to January 1, 1959, unless such person applies for and receives inspection under the act

after January 1, 1958. However, any person who applies for and receives inspection after January 1, 1958, shall be subject to all of the provisions of the act. In addition, the fact that this section prevents operation of the mandatory program until January 1, 1958, will give those processors who may have to make adjustments in their operations an opportunity to obtain inspection at the same time and on an equal footing with processors who require no operating adjustments.

COST OF THE PROGRAM

The Department of Agriculture has estimated the initial cost of the program provided by the bill as \$4,750,000 for the fiscal year 1958, and the cost for fiscal year 1959 as \$7,750,000 to \$10 million. The Department's estimate is contained in the following excerpt from the Secretary's letter of March 6, 1957.

It is believed that the enactment of this proposed legislation would result in a need for \$7,750,000 on an annual basis during the first year and an annual appropriation of approximately \$10 million for each subsequent year. This amount would, of course, have to be increased to the extent that the act was applied to cities and areas as provided in section 4. A study would be made in the interim, before the legislation became fully effective, to serve as a basis for arriving at the cost of the program.

The Department wishes to point out that the time schedule in the legislation as written and upon which the above estimates are based would require that all poultry-processing plants subject to the mandatory poultry inspection would be operating under the program by July 1, 1958. This period of time is, in our opinion, not sufficient to permit the industry and the Department of Agriculture to make the preparations and adjustments necessary to meet the mandatory requirements that would be imposed by this legislation. For this reason, the Department urges that consideration be given to extending the final effective date of this legislation to July 1, 1959. Should this modification be made, the estimated funds required for the first year would approximate \$4,750,000 on an annual basis, \$7,750,000 for the second year, and \$10 million for the third year.



Union Calendar No. 154

85TH CONGRESS
1ST SESSION

H. R. 6814

[Report No. 465]

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1957

Mr. WATTS introduced the following bill; which was referred to the Committee on Agriculture

MAY 20, 1957

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Poultry Products In-
4 spection Act".

5 LEGISLATIVE FINDING

6 SEC. 2. Wholesome poultry products are an important
7 source of the Nation's total supply of food. Such products
8 are consumed throughout the Nation and substantial quanti-
9 ties thereof move in interstate and foreign commerce. Un-
10 wholesome poultry products in the channels of interstate
11 or foreign commerce are injurious to the public welfare,

1 adversely affect the marketing of wholesome poultry prod-
2 ucts, result in sundry losses to producers, and destroy mar-
3 kets for wholesome poultry products. The marketing of
4 wholesome poultry products is affected with the public
5 interest and directly affects the welfare of the people. All
6 poultry and poultry products which have or are required
7 to have inspection under this Act are either in the current
8 of interstate or foreign commerce or directly affect such
9 commerce. That part that enters directly into the current
10 of interstate or foreign commerce cannot be effectively in-
11 spected and regulated without also inspecting and regulating
12 all poultry and poultry products processed or handled in
13 the same establishment.

14 The great volume of poultry products required as an
15 article of food for the inhabitants of large centers of popula-
16 tion directly affects the movement of poultry and poultry
17 products in interstate commerce. To protect interstate com-
18 merce in poultry and poultry products inspected for whole-
19 someness, from being adversely burdened, obstructed, or
20 affected by uninspected poultry or poultry products, the
21 Secretary of Agriculture is authorized, pursuant to the pro-
22 visions of this Act, to designate major consuming areas
23 where poultry or poultry products are handled or consumed
24 in such volume as to affect the movement of inspected
25 poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. Upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this Act for such area to be subject to the provisions of this Act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this Act, he shall by order designate such area and prescribe the provisions of this Act which shall be ap-

1 plicable thereto and grant such exemptions therefrom as he
2 determines practicable. Such designation shall not become
3 effective until six months after the notice thereof is published
4 in the Federal Register. On and after the effective date of
5 such designation, all poultry and poultry products processed,
6 sold, received, or delivered in any such area shall be subject
7 to the provisions of this Act.

8 ANTE MORTEM AND POST MORTEM INSPECTION, REINSPEC-
9 TION AND QUARANTINE

10 SEC. 5. (a) For the purpose of preventing the entry
11 into or flow or movement in commerce or a designated major
12 consuming area of any poultry product which is unwhole-
13 some or adulterated, the Secretary shall, where and to the
14 extent considered by him necessary, cause to be made by in-
15 spectors ante mortem inspection of poultry in any official
16 establishment processing poultry or poultry products for
17 commerce or in, or for marketing in a designated city or area.

18 (b) The Secretary, whenever processing operations are
19 being conducted, shall cause to be made by inspectors post
20 mortem inspection of the carcass of each bird processed, and
21 such quarantine, segregation, reinspection as he deems neces-
22 sary of poultry and poultry products in each official estab-
23 lishment processing such poultry or poultry products for
24 commerce or in, or for marketing in a designated city or
25 area.

1 (c) All poultry carcasses and parts thereof and poultry
2 products found to be unwholesome or adulterated shall be
3 condemned and shall, if no appeal be taken from such
4 determination of condemnation, be destroyed for human food
5 purposes under the supervision of an inspector: *Provided*,
6 That carcasses, parts, and products, which may by reprocess-
7 ing be made not unwholesome and not adulterated, need not
8 be so condemned and destroyed if so reprocessed under the
9 supervision of an inspector and thereafter found to be not
10 unwholesome and not adulterated. If an appeal be taken
11 from such determination, the product shall be appropriately
12 marked and segregated pending completion of an appeal in-
13 spection, which appeal shall be at the cost of the appellant
14 if the Secretary determines that the appeal is frivolous. If
15 the determination of condemnation is sustained the product
16 shall be destroyed for human food purposes under the super-
17 vision of an inspector.

18 (d) The Secretary shall refuse to render inspection
19 to any establishment whose premises, facilities, or equipment,
20 or the operation thereof, fail to meet the requirements of
21 section 6 of this Act.

22 SANITATION, FACILITIES AND PRACTICES

23 SEC. 6. Each official establishment slaughtering poultry
24 or processing poultry products for commerce or in or for
25 marketing in a designated major consuming area shall have

1 such premises, facilities, and equipment, and be operated in
2 accordance with such sanitary practices, as are required and
3 approved by the Secretary for the purpose of preventing
4 the entry into or flow or movement in commerce or in a
5 designated city or area, of poultry products which are un-
6 wholesome or adulterated.

7 LABELING

8 SEC. 7. (a) Each shipping container of any poultry
9 product inspected under the authority of this Act and found
10 to be wholesome and not adulterated, shall at the time such
11 product leaves the official establishment bear, in distinctly
12 legible form, the official inspection mark and the approved
13 plant number of the official establishment in which the con-
14 tents were processed. Each immediate container of any
15 poultry product inspected under the authority of this Act
16 and found to be wholesome and not adulterated shall at
17 the time such product leaves the official establishment bear,
18 in addition to official inspection mark, in distinctly legible
19 form, the name of the product, a statement of ingredients
20 if fabricated from two or more ingredients including a
21 declaration as to artificial flavors, colors, or preservatives,
22 if any, the net weight or other appropriate measure of the
23 contents, the name and address of the processor and the
24 approved plant number of the official establishment in which
25 the contents were processed. The name and address of the

1 distributor may be used in lieu of the name and address
2 of the processor if the approved plant number is used to
3 identify the official establishment in which the poultry prod-
4 uct was prepared and packed.

5 (b) The use of any written, printed or graphic matter
6 upon or accompanying any poultry product inspected or
7 required to be inspected pursuant to the provisions of this
8 Act or the container thereof which is false or misleading is
9 prohibited. No poultry products inspected or required to
10 be inspected pursuant to the provisions of this Act shall be
11 sold or offered for sale by any person, firm, or corporation
12 under any false or deceptive name; but established trade
13 name or names which are usual to such products and which
14 are not false and deceptive and which shall be approved by
15 the Secretary are permitted. If the Secretary has reason
16 to believe that any label in use or prepared for use is false,
17 or misleading, he may direct that the use of the label be
18 withheld unless it is modified in such manner as the Secre-
19 tary may prescribe so that it will not be false or misleading.
20 If the person using or proposing to use the label does not
21 accept the determination of the Secretary, he may request
22 a hearing, but the use of the label shall, if the Secretary so
23 directs, be withheld pending hearing and final determination
24 by the Secretary. Any such determination by the Secre-
25 tary shall be conclusive unless within thirty days after the

1 receipt of notice of such final determination the person
2 adversely affected thereby appeals to the United States
3 court of appeals for the circuit in which he has his principal
4 place of business or to the United States Court of Appeals
5 for the District of Columbia Circuit. The provisions of sec-
6 tion 204 of the Packers and Stockyards Act of 1921, as
7 amended, shall be applicable to appeals taken under this
8 section.

9 PROHIBITED ACTS

10 SEC. 8. The following acts or the causing thereof are
11 hereby prohibited:

12 (a) The processing, sale or offering for sale, transpor-
13 tation, or delivery or receiving for transportation, in com-
14 merce or in a designated major consuming area of any poul-
15 try product, unless such poultry product has been inspected
16 for wholesomeness and unless the shipping container, if any,
17 and the immediate container are marked in accordance with
18 the provisions of this Act.

19 (b) The sale or other disposition for human food of any
20 poultry or poultry product which has been inspected and
21 declared to be unwholesome or adulterated under this Act.

22 (c) Falsely making or issuing, altering, forging, sim-
23 ulating, or counterfeiting any official inspection certificate,
24 memorandum, mark, or other identification or device for
25 making such mark or identification, used in connection with

1 the inspection of poultry, or poultry products under this
2 Act, or causing, procuring, aiding, assisting in, or being a
3 party to, such false making, issuing, altering, forging, simu-
4 lating, or counterfeiting, or knowingly possessing, without
5 promptly notifying the Secretary of Agriculture or his rep-
6 resentative, uttering, publishing, or using as true, or causing
7 to be uttered, published, or used as true, any such falsely
8 made or issued, altered, forged, simulated, or counterfeited
9 official inspection certificate, memorandum, mark, or other
10 identification, or device for making such mark or identifica-
11 tion, or representing that any poultry or poultry product
12 has been officially inspected under the authority of this Act
13 when such poultry or poultry product has in fact not been
14 so inspected.

15 (d) Using in commerce, or in a designated city or area,
16 a false or misleading label on any poultry product.

17 (e) The use of any container bearing an official inspec-
18 tion mark except for the poultry product in the original form
19 in which it was inspected and covered by said mark unless
20 the mark is removed, obliterated, or otherwise destroyed.

21 (f) The refusal to permit access by any duly authorized
22 representative of the Secretary, at all reasonable times, to
23 the premises of an establishment engaged in processing poul-
24 try or poultry products for commerce, or in or for marketing

1 in a designated city or area, upon presentation of appropriate
2 credentials.

3 (g) The refusal to permit access to and the copying of
4 any record as authorized by section 10 of this Act.

5 (h) The using by any person to his own advantage, or
6 revealing, other than to the authorized representatives of
7 the Government in their official capacity, or to the courts
8 when relevant in any judicial proceeding under this Act, any
9 information acquired under the authority of this Act, con-
10 cerning any matter which as a trade secret is entitled to
11 protection.

12 (i) Delivering, receiving, transporting, selling, or offer-
13 ing for sale or transport for human consumption any
14 slaughtered poultry or any part thereof, separately or in
15 combination with other ingredients (other than poultry
16 products as defined in this Act), in commerce or from an
17 official establishment or in a designated major consuming
18 area, except that such poultry may be permitted to be trans-
19 ported between official establishments and to foreign coun-
20 tries pursuant to rules and regulations prescribed by the
21 Secretary.

22 SEC. 9. No establishment processing poultry or poultry
23 products for commerce or in or for marketing in a designated
24 city or area shall process any poultry or poultry product
25 except in compliance with the requirements of this Act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 10. For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Nothing in this section shall be construed as requiring the maintenance of a record for a period longer than two years after the transaction, which is the subject of such record, has taken place.

INJUNCTION PROCEEDINGS

SEC. 11. The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act. The remedies provided for in this section shall be in addition to, and not exclusive of, any of the remedies or penalties provided for elsewhere in this Act or now or hereafter existing at law or in equity.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 8, 9, 10, or 17, shall be guilty of a misdemeanor

1 and shall on conviction thereof be subject to imprisonment
2 for not more than six months, or a fine of not more than
3 \$3,000, or both such imprisonment and fine; but if such
4 violation is committed after one conviction of such person
5 under this section has become final such person shall be
6 subject to imprisonment for not more than one year, or a fine
7 of not more than \$5,000, or both such imprisonment and
8 fine; but if such violation is committed after two or more
9 convictions of such person under this section have become
10 final such person shall be subject to imprisonment for not
11 more than two years, or a fine of not more than \$10,000,
12 or both such imprisonment and fine. When construing or
13 enforcing the provisions of said sections the act, omission,
14 or failure of any person acting for or employed by any indi-
15 vidual, partnership, corporation, or association within the
16 scope of his employment or office shall in every case be
17 deemed the act, omission, or failure of such individual, part-
18 nership, corporation, or association, as well as of such person.

19 (b) No carrier shall be subject to the penalties of this
20 section for a violation of the provisions of sections 8 or 17
21 by reason of his receipt, carriage, holding or delivery, in
22 the usual course of business as a carrier of slaughtered poultry
23 or poultry products, owned by another person unless the
24 carrier has knowledge, or is in possession of facts which
25 would cause a reasonable person to believe that such

1 slaughtered poultry or poultry products were not inspected
2 or marked in accordance with the provisions of this Act
3 or were not eligible for transportation under this Act. Any
4 carrier who with or without knowledge violated section 10
5 of this Act shall be subject to the penalties of this section.

6 SEC. 13. Before any violation of this Act is reported
7 by the Secretary to any United States attorney for institu-
8 tion of a criminal proceeding the person against whom such
9 proceeding is contemplated shall be given reasonable notice
10 of the alleged violation and opportunity to present his views
11 orally or in writing with regard to such contemplated
12 proceeding. Nothing in this Act shall be construed as re-
13 quiring the Secretary to report for criminal prosecution or
14 for the institution of injunction proceedings violations of
15 this Act whenever he believes that the public interest will
16 be adequately served and compliance with the Act obtained
17 by a suitable written notice or warning.

18 REGULATIONS

19 SEC. 14. The Secretary shall promulgate such rules
20 and regulations as are necessary to carry out the provisions
21 of this Act.

22 EXEMPTIONS

23 SEC. 15. (a) The Secretary is authorized, by regulation
24 and under such conditions as to sanitary standards, prac-

1 tices, and procedures as he may prescribe, to exempt from
2 specific provisions of this Act—

3 (1) poultry producers with respect to poultry of
4 their own raising on their own farms which they sell
5 directly to household consumers only: *Provided*, That
6 such poultry producers do not engage in buying or selling
7 poultry products other than those produced from poultry
8 raised on their own farms.

9 (2) retail dealers with respect to poultry products
10 sold directly to consumers in individual retail stores:
11 *Provided*, That the only processing operation performed
12 by such retail dealers is the cutting up of poultry products
13 on the premises in which such sales to consumers are
14 made;

15 (3) for such period of time as the Secretary deter-
16 mines that it would be impracticable to provide inspection
17 and the exemption will aid in the effective administration
18 of this Act, any person engaged in the processing of
19 poultry or poultry products for commerce and the poultry
20 or poultry products processed by such person: *Provided*,
21 *however*, That no such exemption shall continue in effect
22 on and after July 1, 1960.

23 (4) persons slaughtering, processing, or otherwise
24 handling poultry or poultry products which have been
25 or are to be processed as required by recognized reli-

1 gious dietary laws, to the extent that the Secretary
2 determines necessary to avoid conflict with such require-
3 ments while still effectuating the purposes of this Act.

4 (b) The Secretary may by order suspend or terminate
5 any exemption under this section with respect to any person
6 whenever he finds that such action will aid in effectuating
7 the purposes of this Act.

8 VIOLATIONS BY EXEMPTED PERSONS

9 SEC. 16. Any person who sells, delivers, transports or
10 offers for sale or transportation in commerce or in a desig-
11 nated major consuming area any poultry products which are
12 exempt under section 15, knowing that such products are
13 unwholesome and are intended for human consumption, shall
14 be guilty of a misdemeanor and shall on conviction thereof
15 be subject to the penalties set forth in section 12.

16 IMPORTS

17 SEC. 17. (a) No slaughtered poultry, or parts or
18 products thereof, of any kind shall be imported into the
19 United States unless they are healthful, wholesome, and fit
20 for human food, not adulterated, and contain no dye, chem-
21 ical, preservative, or ingredient which renders them un-
22 healthful, unwholesome, adulterated, or unfit for human
23 food and unless they also comply with the rules and regu-
24 lations made by the Secretary of Agriculture to assure that
25 imported poultry or poultry products comply with the

1 standards provided for in this Act. All imported slaugh-
2 tered poultry, or parts or products thereof, shall after entry
3 into the United States in compliance with such rules and
4 regulations be deemed and treated as domestic slaughtered
5 poultry, or parts or products thereof, within the meaning
6 and subject to the provisions of this Act and the Federal
7 Food, Drug, and Cosmetic Act, and Acts amendatory of,
8 supplemental to, or in substitution for such Acts.

9 (b) The Secretary of Agriculture is authorized to make
10 rules and regulations to carry out the purposes of this sec-
11 tion and in such rules and regulations the Secretary of
12 Agriculture may prescribe the terms and conditions for the
13 destruction of all slaughtered poultry, or parts or products
14 thereof, offered for entry and refused admission into the
15 United States unless such slaughtered poultry, or parts or
16 products thereof, be exported by the consignee within the
17 time fixed therefor in such rules and regulations.

18 (c) All charges for storage, cartage, and labor with
19 respect to any product which is refused admission pursuant
20 to this section shall be paid by the owner or consignee, and
21 in default of such payment shall constitute a lien against
22 any other products imported thereafter by or for such owner
23 or consignee.

GENERAL PROVISIONS

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SEC. 18. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this Act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of government and with State agencies and may conduct such examinations, investigations and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 19. The cost of inspection rendered under the requirements of this Act shall be borne by the United States. The Secretary of Agriculture is authorized in his discretion to pay employees of the Department of Agriculture, employed in establishments subject to the provisions of this Act, for overtime or holiday work performed at such establishments at such rates as he may determine and to accept from

1 such establishments wherein such premium pay work is
2 performed reimbursement for any sums paid out by him for
3 such work such reimbursement to be available without fiscal
4 year limitation to carry out the purposes of this section.

5 **APPROPRIATIONS**

6 SEC. 20. There is hereby authorized to be appropri-
7 ated such sums as are necessary to carry out the provisions
8 of this Act.

9 **SEPARABILITY OF PROVISIONS**

10 SEC. 21. If any provision of this Act or the applica-
11 tion thereof to any person or circumstances is held invalid,
12 the validity of the remainder of the Act and of the appli-
13 cation of such provision to other persons and circumstances
14 shall not be affected thereby.

15 **DEFINITIONS**

16 SEC. 22. For purposes of this Act—

17 (a) The term “commerce” means commerce between
18 any State, Territory, or possession, or the District of Colum-
19 bia, and any place outside thereof; or between points within
20 the same State or the District of Columbia, but through
21 any place outside thereof; or within the District of Columbia.

22 (b) The term “Secretary” means the Secretary of
23 Agriculture.

24 (c) The term “person” means any individual, partner-
25 ship, corporation, association, or any other business unit.

1 (d) The term "poultry" means any live or slaughtered
2 domesticated bird.

3 (e) The term "poultry product" means any poultry
4 which has been slaughtered for human food from which the
5 blood, feathers, feet, head, and viscera have been removed
6 in accordance with rules and regulations promulgated by
7 the Secretary, any edible part of poultry, or, unless ex-
8 empted by the Secretary, any human food product consist-
9 ing of any edible part of poultry separately or in combination
10 with other ingredients.

11 (f) The term "wholesome" means sound, healthful,
12 clean, and otherwise fit for human food.

13 (g) The term "unwholesome" means:

14 (1) Unsound, injurious to health, or otherwise rendered
15 unfit for human food.

16 (2) Consisting in whole or in part of any filthy, putrid,
17 or decomposed substance.

18 (3) Processed, prepared, packed, or held under un-
19 sanitary conditions whereby a poultry carcass or parts
20 thereof or any poultry product may have become contami-
21 nated with filth or whereby a poultry product may have been
22 rendered injurious to health.

23 (4) Produced in whole or in part from poultry which
24 has died otherwise than by slaughter.

25 (5) Packaged in a container composed of any poison-

1 ous or deleterious substance which may render the contents
2 injurious to health.

3 (h) The term "adulterated" shall apply to poultry and
4 poultry products under one or more of the following cir-
5 cumstances:

6 (1) If they bear or contain any poisonous or deleterious
7 substance which may render them injurious to health; but,
8 in case the substance is not an added substance, such poultry
9 and poultry products shall not be considered adulterated
10 under this clause if the quantity of such substance in such
11 poultry and poultry products does not ordinarily render them
12 injurious to health.

13 (2) If they bear or contain any added poisonous or
14 added deleterious substance, unless such substance is per-
15 mitted in their production or unavoidable under good manu-
16 facturing practices as may be determined by rules and regula-
17 tions hereunder prescribed by the Secretary or other pro-
18 visions of Federal law limiting or tolerating the quantity
19 of such added substance on or in such poultry and poultry
20 products: *Provided*, That any quantity of such added sub-
21 sistence exceeding the limits so fixed shall also be deemed to
22 constitute adulteration.

23 (3) If any substance has been substituted, wholly or in
24 part, therefor.

1 (4) If damage or inferiority has been concealed in
2 any manner.

3 (5) If any valuable constituent has been in whole or
4 in part omitted or abstracted therefrom.

5 (6) If any substance has been added thereto or mixed
6 or packed therewith so as to increase its bulk or weight, or
7 reduce its quality or strength, or make it appear better or of
8 greater value than it is.

9 (i) The term “inspector” means: (1) an employee or
10 official of the United States Government authorized by the
11 Secretary to inspect poultry and poultry products under the
12 authority of this Act, or (2) any employee or official of any
13 State government authorized by the Secretary to inspect
14 poultry and poultry products under authority of this Act,
15 under an agreement entered into between the Secretary and
16 the appropriate State agency.

17 (j) The term “official inspection mark” means the
18 symbol, formulated pursuant to rules and regulations pre-
19 scribed by the Secretary, stating that the product was
20 inspected.

21 (k) The term “inspection service” means the official
22 Government service within the Department of Agriculture,
23 designated by the Secretary as having the responsibility for
24 carrying out the provisions of this Act.

(1) The terms “container” or “package” include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

4 (m) The term “official establishment” means any
5 establishment as determined by the Secretary at which in-
6 spection of the slaughter of poultry, or the processing of
7 poultry products, is maintained under the authority of this
8 Act.

9 (n) The term “label” means any written, printed, or
10 graphic material on the shipping container, if any, or upon
11 the immediate container, including but not limited to an
12 individual consumer package, or the poultry product, or
13 accompanying such product.

(o) The term “shipping container” means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term “immediate container” includes any consumer package; or any carton, box, barrel, or other receptacle in which poultry carcasses or poultry products, not consumer packaged, are packed.

21 EFFECTIVE DATE

22 SEC. 23. This Act shall take effect upon enactment,
23 except that no person shall be subject to the provisions of
24 this Act prior to January 1, 1959, unless such person after
25 January 1, 1958, applies for and receives inspection for

1 poultry or poultry products in accordance with the pro-
2 visions of this Act and pursuant to regulations promulgated
3 by the Secretary hereunder, in any establishment processing
4 poultry or poultry products in commerce or in a designated
5 major consuming area. Any person who voluntarily applies
6 for and receives such inspection after January 1, 1958, shall
7 be subject, on and after the date he commences to receive
8 such inspection, to all of the provisions and penalties pro-
9 vided for in this Act with respect to all poultry or poultry
10 products handled in the establishment for which said appli-
11 cation for inspection is made.

86TH CONGRESS
1ST SESSION

H. R. 6814

[Report No. 465]

A BILL

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

By Mr. WATTS

APRIL 10, 1957

Referred to the Committee on Agriculture

MAY 20, 1957

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 1, 1957
For actions of June 28, 1957
85th-1st, No. 113

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HIGHLIGHTS: House agreed to conference report on Interior appropriation bill. House Rules Committee reported resolution for consideration of compulsory poultry inspection bill. House committee ordered reported bills to exempt from quotas certain wheat used on farm where produced, and to provide for humane slaughter of livestock. House agreed to Senate amendments to legislative appropriation bill. House agreed to conference report on housing bill.

HOUSE

1. APPROPRIATIONS. Agreed to the conference report on H.R. 5189, the Interior appropriation bill for 1958, which includes Forest Service items (pp. 9500-03). Concurred in a Senate amendment providing that the Trust Territory of the Pacific Islands is authorized to receive, during the 1958 fiscal year, surplus foods from this Department, available pursuant to Sec. 32 of the act of Aug. 24, 1935, for distribution on the same basis as domestic distribution of surplus foods (p. 9500-01). For information regarding Forest Service items see Digest 112.
Agreed to the Senate amendments to H.R. 7599, the legislative appropriation bill for 1958 (pp. 9498-9500). This bill will now be sent to the President.
2. HUMANE SLAUGHTER; WHEAT. The Agriculture Committee ordered reported H.R. 8308, to establish the use of humane methods of slaughter of livestock as a policy of the U.S., and to amend the Agricultural Adjustment Act of 1938 so as to exempt certain producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm. p. D593
3. POULTRY INSPECTION. The Rules Committee reported a resolution for consideration of H.R. 6814, to provide for the compulsory inspection of poultry and poultry products by this Department. pp. 9505-~~9528~~

4. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H.R. 2147, to provide for the construction by Interior of the San Angelo Federal reclamation project, Tex. (H. Rept. 664), and H.R. 6940, to authorize Interior to reimburse owners of lands acquired under the Federal reclamation laws for their moving expenses (H. Rept. 662). p. 9528
A subcommittee of the Interior and Insular Affairs Committee ordered reported with amendment H.R. 4410, to suspend and modify the application of the excess land provisions of the Federal reclamation laws to lands in the East Bench unit of the Mo. River Basin project. p. D593
5. MINERALS. A subcommittee of the Interior and Insular Affairs Committee ordered reported S. 334, to promote the development of phosphate on the public domain. Two similar bills, H.R. 2131 and H.R. 4687, were tabled. p. D593
6. SURPLUS DISPOSAL: FOREIGN TRADE. Conferees were appointed on S. 1314, to extend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480). pp. 9497-98
7. HOUSING. Agreed to the conference report on H.R. 6659, the housing bill for 1957, which authorizes grants by the Housing and Home Finance Administrator to the land-grant colleges for farm housing research of not to exceed \$300,000 for each of the years 1958 and 1959. pp. 9503-05
8. LEGISLATIVE PROGRAM. Rep. McCormack announced that the Consent Calendar will be called today, Mon., and consideration also will be given to a continuing resolution for temporary appropriations pending the enactment of the remaining regular appropriation bills; the Private Calendar will be called on Tues.; and that there will be no legislative business on Thurs., Fri., or Sat.. p. 9498
9. ADJOURNED until Mon., July 1. p. 9528

SENATE

10. APPROPRIATIONS. The Appropriations Committee ordered reported with amendments H.R. 7665, the Defense Department appropriation bill for 1958, with an increase of \$971,504,000.00 over the House figure. p. D591
11. MINERALS. The Minerals, Materials, and Fuels Subcommittee ~~ordered~~ reported to the Interior and Insular Affairs Committee S. 2039, to clarify the definition of labor imposed as a condition for holding mining claims on Federal lands, pending the issuance of patents. p. D591

ITEMS IN APPENDIX

12. ELECTRIFICATION. Rep. Miller, Neb., inserted a speech by Interior Secretary Seaton, "Electric Power for an Expanding Economy." pp. A5185-6
Rep. Engle inserted two editorials criticizing the tax amortization certificates granted the Pacific Gas and Electric Co.. p. A5213
13. SMALL BUSINESS. Speech of Reps. Rhodes and Multer on the opposed criteria of security and non-availability for loans made by the Small Business Administration, urging less stringent loan standards. p. A5195

would have increased this to \$3,000, but the conference report increases it only to \$2,500.

TITLE IV—PUBLIC HOUSING AMENDED INCOME EXEMPTION

The Senate bill had a series of amendments on low-rent public housing. The conference rejected several of these but the conference report does contain three new significant amendments affecting low-rent public housing.

The first would increase the income exemption somewhat for admission to and continued occupancy of public housing. For families seeking admission to public housing, the existing exemption of \$100 for minors would be continued, and additional exemptions of \$100 for each adult dependent with no income, and up to \$600 of the income of each member of the family other than the principal wage earner—including minors—would be provided. For families desiring to continue occupying public housing, the existing exemptions for minors would be continued and additional exemptions would be provided of \$100 for each adult dependent member of the family having no income, and up to \$600 of the income of any other adult member of the family other than the principal wage earner.

The second would increase the per-room cost limits on public housing from \$1,750 to \$2,000 for regular units and from \$2,250 to \$2,500 for elderly persons units. The third amendment would require plans and specifications to follow the principle of modular measure where feasible.

TITLE V—MILITARY HOUSING WHERRY ACQUISITION PROGRAM

Mr. Speaker, the conferees accepted the provision contained in the House bill which clarifies the law relating to the purchase price formula used under the acquisition program of Wherry projects with one slight amendment. By adopting this minor amendment there was no intention whatever to change the House position on this subject, and it is intended that the provisions contained in House Report 313 relating to the Wherry acquisition program be followed by the Department of Defense and the three services. This discussion may be found on pages 17, 18, and 19 of the House report.

TITLE VI—MISCELLANEOUS COLLEGE HOUSING

The conference report retains the interest rate formula for college housing loans in present law.

The compromise bill increases the amount of funds for college housing loans by \$150 million to \$925 million, of which \$25 million would be reserved for a new type of eligible loan, namely, loans to nonprofit hospitals for housing student nurses and interns.

FARM HOUSING RESEARCH

I am delighted to report that at long last we are providing an effective program for farm housing research. The conference report follows the House bill and provides a 2-year program of farm housing research authorizing \$600,000—\$300,000 in each of the next 2 fiscal years.

The money will be used for grants by the Housing and Home Finance Administrator to land-grant colleges to undertake intensive research programs to see what can be done to reduce the cost of farm housing and to improve the quality of housing on our farms. I am proud to have been the sponsor of this program and I am most hopeful that it will help improve the housing standards of our agricultural population.

DISCOUNT CONTROL

Both the House and Senate version contained provisions attempting to cope with the problem of excessive discounts which in my judgment have approached scandalous proportions. The conference substitute considered this problem most carefully and I think that the conference report provides a workable compromise. Discount control will be applicable both to GI and FHA loans. Frankly, it would be unworkable to attempt to control discounts on one and not the other. Both the VA and FHA are directed to issue regulations, not to rule out discounts because we found that to be unworkable, but rather to fix reasonable limits on the discounts which lenders may charge. It directs both agencies in setting such reasonable limits to take into account geographic differentials in the supply of mortgage credit, and also differentials with respect to the quality and type of loan security. I think the conference has rendered a useful service in coming up with this workable compromise and I am most hopeful that we have seen the end of unconscionable discounts, which in the last analysis are paid through the nose by the home buyer.

Mr. Speaker, I urge the immediate adoption of the conference report so that we can get this much-needed legislation to the President's desk for signature as soon as possible.

(Mr. TALLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. TALLE. Mr. Speaker, the Housing Act of 1957 as embodied in the conference report to accompany H. R. 6659 is good legislation. It represents the culmination of a tremendous lot of work, study, and inquiry on the part of the Subcommittee on Housing, of which the gentleman from Alabama [Mr. RAINS] is chairman; by the Banking and Currency Committees of the Congress; and, finally, by the conferees of the two Chambers who were assigned the task of ironing out the differences in the House and Senate versions.

This was not an easy task to perform. There were 29 items in the Senate bill which were foreign to the House bill. There were 7 items in the House bill which were foreign to the Senate bill. Finally, there were 16 items in the two bills which dealt with similar subjects but differed as to details.

The gentleman from Kentucky [Mr. SPENCE], chairman of the House Committee on Banking and Currency, deserves commendation for his leadership. The House conferees working with him made every effort to discharge their responsibilities by seeking diligently to get approval of provisions that represented the will of the House of Representatives.

It is my best judgment, Mr. Speaker, that the enactment of this legislation will prove to be beneficial to the American people.

(Mr. KILBURN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KILBURN. Mr. Speaker, I think the managers on the part of the House did an excellent job in maintaining the position of the House on nearly all parts of the Housing bill.

Under the leadership of our chairman, the gentleman from Kentucky [Mr. SPENCE], and the ranking member, the gentleman from Iowa [Mr. TALLE], and the chairman of the Housing Subcommittee, the gentleman from Alabama [Mr. RAINS], our side of the conference functioned as a team and, I think, did well.

I would especially like to commend the gentleman from Alabama [Mr. RAINS] all through this housing legislation. He was always absolutely fair and considerate toward the views of the minority members. There was no partisanship, and during the conference he was extremely competent in maintaining our position. It was a pleasure to work with him.

COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. SMITH of Virginia, from the Committee on Rules (on behalf of Mr. TRIMBLE), reported the following privileged resolution (H. Res. 304, Rept. No. 663), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6814) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products. After general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

THREE HUNDRED AND FIFTIETH ANNIVERSARY OF THE FOUNDING OF JAMESTOWN, VA.

Mr. SMITH of Virginia. Mr. Speaker, I call up a privileged resolution (S. Con. Res. 27) to create a joint committee to represent Congress at the 350th anniversary of the founding of Jamestown, Va., which was reported by the Committee on Rules this morning. I believe there is no objection to it, so I ask unanimous consent that it be considered at the present time.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. GROSS. Reserving the right to object, Mr. Speaker, is there any cost attached to this concurrent resolution?

Mr. SMITH of Virginia. Not to exceed \$1,000.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of 4 Senators and 5 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to represent the Congress of the United States at the ceremonies to be held at Jamestown, Va., on July 30, 1957, in commemoration of the 350th anniversary of the founding of Jamestown, the first permanent English settlement in America. The committee shall select a chairman from among its members.

Resolved further, That the necessary expenses of such joint committee shall not exceed the sum of \$1,000, one-half of such sum to be paid from the contingent fund of the Senate and one-half of such sum to be paid from the contingent fund of the House of Representatives, on vouchers approved by the chairman.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CORRECTION OF VOTE

Mr. SAYLOR. Mr. Speaker, on roll-call No. 122 I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. O'HARA of Minnesota. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REPORT ON FAR EAST FORCES

(Mr. OSMERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. OSMERS. Mr. Speaker, in these days of frequent disturbing reports from many parts of the world, I am pleased to be able to give the House some good news from Korea and Okinawa. The Right Reverend Harry S. Kennedy, D. D., bishop of Honolulu, and representative of the Armed Forces commission of the Protestant Episcopal Church in the United States of America, has returned

to Hawaii after 2 months of visiting his far-flung diocese, which includes the Hawaiian Islands, Wake, Midway, Guam, the American Samoas, Taiwan—Formosa—and Okinawa. Bishop Kennedy also visited military chaplains and personnel in Japan and Korea. Before his return to Hawaii, Bishop Kennedy, in conference with Military Chaplain Matthew Imrie, stated that excellent relations exist between the South Korean people and the American forces and between the people of Okinawa and our troops on that island. According to the bishop, morale is high, discipline is excellent, and for this Gen. Lyman L. Lemnitzer, the Far East commander, and Gen. I. D. White, the Eighth Army commander, should receive the highest commendation. Our military chaplains in the area are also rendering outstanding service to our troops. The full report of Bishop Kennedy follows:

REPORT OF BISHOP KENNEDY TO GEN. I. D. WHITE KOREA

My first visit to the Eighth Army in Korea was back in 1951. I recall vividly the devastation of Seoul, which had been fought over four times, and the desperate conditions under which our men were fighting.

With the exception of 1956, I have made yearly visitations to Korea and each succeeding visit impresses me with the tremendous achievements of Koreans and Americans alike.

Seoul has arisen out of fire and ashes like the fabled Phoenix, thanks to the prodigious feats of UNKRA, AFKA, the Eighth Army, and the Korean people themselves. Economic and technological aid have restored much of the economy. Although the scars of war are still noticeable, the tremendous gains in new buildings and reconstruction are more evident.

The American soldier has been of inestimable assistance in bolstering the material well-being and morale of our Korean allies. Trained from childhood in the American way of helping one's neighbor, literally tens of thousands of soldiers have given lavishly of their money and labor in providing relief for the sick, the hungry, and the shelterless, orphaned children, the aged, and the thousands mutilated by war. The generosity and kindness of our soldiers, their eager and voluntary response to human needs, has earned an undying, affectionate regard in the hearts and minds of the Korean people all the way from their courageous President to the farmer at work in his rice paddy.

My visits to chaplains and servicemen afforded me opportunities to observe facilities and living conditions and to share many conversations and confidences.

Certainly, I was thrilled with the morale of our men. Frankly, the situation in Korea tests the heart, the mind, and body of a soldier. The terrain and weather call for rugged manhood. The separation from family for a 16-month tour calls for disciplined and understanding manhood. The nearness of the potential aggressor, the knowledge of the threat of international imperialistic communism to all freedom-loving peoples, challenges one's manhood. Korea is a vital frontier in the crusade for freedom. The Eighth Army commanding general, Gen. I. D. White, has done a magnificent job in teaching his men the importance of the Eighth Army's mission.

Factors other than knowledge of the mission contribute to high morale. General White has almost miraculously changed the living conditions of his men from semicombat standards to semipermanent stand-

ards. For example: Our soldiers no longer live in tents, quonset-type or barracks buildings have taken their place; Coleman lanterns and candles have given way to electricity; hot and hold running water is the rule rather than the exception; superior athletic, recreational, and educational programs and facilities are now in operation; 77 chapels, varying in size, but all benefiting from a chapel beautification project, serve the thousands of troops.

I would be remiss were I not to mention the high performance of Eighth Army chaplains and the wholehearted support they receive from the command. Evidences such as attractive chapels, the large number of men attending services, and the completeness of pastoral programs supported the command's enthusiastic endorsement of the chaplains' contributions to the success of the Eighth Army's mission.

Inasmuch as questions are raised concerning morals as well as morale, I will mention the subject. The ethical standards of Christianity and Judaism are basic to the ideology of the American way of life and are cherished by our men in uniform as they are cherished by their neighbors and families back home. It is true that the Ten Commandments are violated abroad as well as at home. The whole process of growing to maturity involves embracing the truth that obedience to law, moral and physical, is required for freedom and powerful performance. General White is emphatic in his contention that the tough, competent fighting man is first of all a disciplined man, physically, mentally, and morally. Incidentally, there is less tolerance of delinquency in the Eighth Army than there is in the average civilian community where competing interests so often compromise moral standards.

The testing, or temptations, of men away from home (be it college, a strange city, or overseas) are more demanding than when the individual is supported by the physical presence of family and friends. Living in the bosom of his family, a man has constant help in personal decisions. Living away from his family, the individual must depend more on his own metal. The clergy serving in the Army, the officers discharging their responsibilities as "father of their men," the family-church-school, background of the individual, and the letters from home contribute assistance and guidance in personal decisions. In general, the conduct of our men in Korea is as good as their conduct at home. If one looks for disappointments, one can find them. However, if one relates the delinquency incidents to the wonderful accomplishments of our men as soldiers and ambassadors of good will, the result makes one very proud indeed. Our youths are our greatest asset. We do not have to sell them short. The indices of morals and morale reflect the high standards of our American homes. As long as leaders of the caliber of General Lemnitzer and General White command our troops, we Americans can be confident that the moral standards of our culture and the obligations of American citizenship will be cherished and nourished.

OKINAWA

My first visit to Okinawa was in the summer of 1945, when I was the guest of General Stilwell. I have seen the island in ashes and the people hungry, homeless, and practically naked.

My visit this year was my eighth visit to Okinawa, so I have witnessed the results of the rehabilitation program carried on by the United States Forces. My personal feeling, after conferring with natives, is that they are grateful for all that has been done for them. They are no longer second-class citizens. Any agitation for reversal comes from a small group of malcontents.

If every American could see what I have experienced over the years, they would in-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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For actions of July 9, 1957
85th-1st, No. 119

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HIGHLIGHTS: House agreed to conference reports on: Agricultural appropriation bill. Extension of Public Law 480. House passed compulsory poultry inspection bill. House committees reported humane slaughter bill, and mutual security authorization bill. Sen. Mundt urged united approach to solve farm problem.

HOUSE

1. AGRICULTURAL APPROPRIATION BILL FOR 1958. Agreed to the conference report on this bill, H.R. 7441. (pp. 10002-08) Agreed to the Senate amendment providing that provisions of the act of August 1, 1956, and provisions of a similar nature in appropriation acts of the State Department for the current and subsequent fiscal years which facilitate the work of the Foreign Service shall be applicable to funds available to the Foreign Agricultural Service. (pp. 10003-05) Agreed to a substitute amendment to limit payments to any one producer under the acreage reserve program to \$3,000 with respect to 1958 crops. (pp. 10005-08) See Digest 117 for other items of interest.
2. FOREIGN TRADE; SURPLUS DISPOSAL. Agreed to the conference report on S. 1314, to extend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) for one year, to increase the authorization under Title I from \$3 billion to \$4 billion, and to authorize \$300 million addition under Title II for famine relief. (p. 10052) See Digest 117 for other provisions of the bill agreed to.
3. POULTRY INSPECTION. Passed 93 to 23, with amendments H.R. 6814, to provide for the compulsory inspection by this Department of poultry and poultry products. (pp. 10008-52)

(over)

Agreed to the following amendments:

By Rep. Watts, to strike out Sec. 11, on injunction proceedings, which vested in the U.S. district courts jurisdiction to enforce and to prevent violations under the bill. (p. 10047)

By Rep. Watts, to make mandatory, rather than permissive, certain exemptions from the provisions of the bill. (p. 10047)

By Rep. Watts, to exempt from the provisions of the bill poultry producers who sell poultry direct to restaurants, hotels and boarding houses for use in their own dining rooms in the preparation of meals for sales direct to consumers. (p. 10047)

By Rep. Hoffman, to provide that the bill shall not be construed as invalidating any provision of State law which could be valid in the absence of the bill, unless there is a direct and positive conflict between an express provision of the bill and such provision of State laws so that the two cannot be reconciled or consistently stand together. (p. 10050)

Rejected, 27 to 56, an amendment by Rep. Matthews, Fla., to prohibit Federal inspection in major poultry consuming areas unless specifically requested to do so by a State agency having responsibility for poultry inspection laws. (pp. 10047-50)

4. HUMANE SLAUGHTER. The Agriculture Committee reported with amendment H.R. 8308, to provide for the use of humane methods in the slaughter of livestock (H. Rept. 706). p. 10059

5. MUTUAL SECURITY. The Foreign Affairs Committee reported with amendment S. 2130, the mutual security authorization bill for 1958 (H. Rept. 776). p. 10059

6. PUBLIC LANDS. The Interior and Insular Affairs Committee reported with amendment H.R. 8054, to provide for the leasing of oil and gas deposits in lands beneath inland navigable waters in Alaska (H. Rept. 774). p. 10059

Received from Interior a proposed bill to amend the Alaska Public Works Act to "clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing of public works"; to Interior and Insular Affairs Committee. p. 10059

SENATE

7. FARM PROGRAM. Sen. Mundt urged the farm organizations to unite in an approach towards solving the farm problem, and inserted an editorial, "Farm Meeting Step in Right Direction." pp. 9966-7

Sen. Humphrey inserted a policy resolution by the National Catholic Rural Life Conference urging wiser use of lands chosen for non-agricultural uses, a study of the food distribution system, and of new industrial uses for farm products. pp. 9960-1

8. FORESTS. The Interior and Insular Affairs Committee reported without amendment H.R. 7522, to extend for two years the timber removal rights of the McCloud Lumber Co. in Shasta National Forest (S. Rept. 598). p. 9962

9. SMALL BUSINESS. The Banking and Currency Committee reported an original bill, S. 2504, to extend the Small Business Administration for one year and increase its loan authorization an additional \$75 million (S. Rept. 597). Sen. Clark discussed the bill. pp. 9962, D627

Sen. Carroll inserted a newspaper article, "Small Business Study," on the importance of credit for small businesses. p. 9997

of its major industry in half a decade, I have yet to hear about it.

The spring rains threatened for a while to ruin our record and give us a sizable crop. But Kansas weather took care of that. It rained too much.

So Kansas has done her part for the United States of America, raising less wheat as patriotically as she raised more wheat for the red, white and blue during World War II.

And what is to be our reward?

There is still a wheat surplus. Kansas cannot be blamed for it. But Kansas still will pay for it. Subsoil moisture has been restored. The seedbed for the 1958 wheat crop should be the best since 1951. But it will be a narrow bed. Acreage allotment for the State is virtually the same as for the past year.

To be sure, the Kansas farmer will be paid for wheat he does not plant, with soil-bank checks; but the payments will not look nearly as good in the face of a good wheat year, as they did against this year's drought prospects.

The legend, "The wheat State" on the license plates, will continue to look a little ironic.

AIM AT SCARCITY

The Government's agricultural program is based on a premise of overabundance. It has been aimed at making wheat scarce when it was already too scarce in Kansas. Now that the prospect is for wheat abundance in Kansas, the Government-imposed scarcity will, from all indications, continue.

Kansas must continue to fight for the right to raise more wheat—the crop it raises best. This was something of an academic problem in the past few years, when we could not raise much anyway, because of drought. But it is a real goal now.

There have been numerous suggestions for reaching the goal: The Wheat Commission's project to find more uses for wheat, thus increasing the demand; the elimination of the "15-acre wheat farmer"; the limiting of the commercial wheat producing area to regions like Kansas.

Whatever the answer, it needs to be pursued even more vigorously than before.

The end of the drought did not solve our problem; it merely sharpened it.

In the June 1, 1957, issue of Doane's Agricultural Digest is a page entitled "This Month in Washington." This article mentions, and I quote:

Another point stressed was that large operators were receiving checks of from \$25,000 to \$40,000 for keeping land out of production. To guard against this the House wrote in a stipulation that Soil Bank checks will be limited to \$2,500 per farm. Even if the acreage reserve is reinstated for 1958, you can expect this directive to stick. The big fat checks are a thing of the past.

If this becomes a true prediction, then the acreage reserve program for 1958 as I see it, will for all practical purposes of accomplishment be out in the summer fallow wheat belt in the United States, because a \$3,000 limitation per farm, would prohibit over 40 percent of all operators from participating.

To put this limitation on our wheat farmers would remove all incentive to cut production in the summer fallow wheat area. I realize that during the debate on the acreage reserve program, much bitterness was displayed. Time and again my colleagues would point out how inequitable the program was. I think the main illustration used was that each New Hampshire farm received an average Soil Bank allocation of \$1.37, while Kansas farms received an average allocation of \$700 per farm. This, of course, is political thinking in the area where they had the vote.

For the purpose of explaining my position let me give you this true example:

Under the 1957 acreage reserve program, this company is owner of 300,000 acres of wheatland, and allocated to this 300,000 acres was approximately 100,000 acres of 1957 wheat allotment. All of this land, of course, is rented to tenant operators on the basis of one-third or one-fourth of the crop delivered to market. Through their tenants, 80,555 acres of the 1957 allocated wheat allotment was placed in the acreage reserve. In other words, they were participating over 80 percent, and the heaviest participation is in the western part of Kansas and the eastern part of Colorado where these holdings are located, running as high as 97 percent in certain counties. This 300,000 acres was rented to approximately 500 tenants and consisted of approximately 650 units.

As I mentioned before, farm units in western Kansas and eastern Colorado are much larger than other parts of the United States, and more than 40 percent of the tenant operators and owner operators would be eliminated if the acreage reserve is limited to \$3,000.

Also, as I mentioned before, with this limitation, it would be impossible for this company to participate in the program. They would have to take steps to see that their tenants did not sign up any of this land for the fall of 1958.

In this type of operation, in order to pay the taxes on the land, supervise and produce, there are expenses that must be met. If the total to be received under the soil bank for 80,555 acres were only \$3,000 this company would soon go bankrupt. For example, their real estate taxes in Kansas and Colorado are approximately \$100,000 and they will pay back to the Federal Government in income taxes better than 52 percent of any amount received.

My area of the country is particularly suited to large operations because of the contour of the land and the climatic conditions. It is not uncommon for 1 operator to farm 10 to 20 quarter-sections of land. If this provision of \$3,000 per farm is retained I think it will defeat the farm program considerably. There would be more production than ever on the part of the large operators in the high plains area, not only in my State but in many surrounding States.

I am very much opposed to the \$3,000 limitation, or any kind of a limitation. I realize that we get our production not from individual farmers, as this provi-

sion would make it mandatory, but our reduction comes from reducing production under acreage controls and should be kept on this basis rather than on a restricted individual basis.

It is my sincere hope that you remove any restrictions for individual farms. If you are unable to remove the limitation provision entirely I would suggest that you make the limitation more liberal.

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VANIK. Mr. Speaker, I want to take the opportunity to oppose amendment No. 22 in the conference report accompanying H. R. 7441. This amendment appropriates \$162,940,000 for the soil bank program and authorizes \$325 million for future programs.

The soil bank program, as administered, has failed to make any substantial or worthwhile contribution to the increase or stability of farm income. This dole to the farmer will produce nothing more than a half-billion-dollar headache for the American taxpayer.

Mr. McGOVERN. Mr. Speaker, I am supporting the proposed Department of Agriculture and Farm Credit Administration appropriation bill, 1958, as modified in the conference report. I support this bill not because it meets with my approval on all counts but because it is probably the best bill that we can pass at this time.

I have believed from the very outset that those who view the soil bank as a complete answer to the farm problem are mistaken. Early in 1956 when the soil bank plan was being debated, I said publicly that it could not serve as a substitute for a farm parity support program. The experience of the past year has confirmed my earlier judgment.

I have always believed as I do now that the soil bank principle should be used as a supplement to the farm parity program, not as a substitute. Farmers must be assured of a fair price for their commodities before we can expect them to cooperate in any effective program of crop limitation.

I voted for the extension of the soil bank appropriation for 1958 when it was on the House floor sometime ago. I vote for it again today. I do so with the determination to renew my efforts for a price-support program on farm commodities that will assure farmers at least 90 percent of parity.

I am proud of the fact that the overwhelming majority of the members of my party in the Congress joined together to pass just such parity legislation a year ago. It is regrettable that the President vetoed that legislation. It is equally regrettable that the Secretary of Agriculture has refused to use his authority to support farm commodities at the 90 percent of parity level. Nevertheless, the Congress should renew its efforts to pass such legislation again in the hope that the President may see fit this time to change his mind and sign such a measure into law. Any such program should, of course, be geared primarily to the needs of the family size farmer.

I intend to devote a great part of my time and effort in the Congress to the continuing fight for an improved farm program. It is ridiculous that at a time of great national prosperity farmers should be experiencing economic hardship and painful insecurity.

During the balance of this session of Congress and again in 1958, I intend to bring the farm problem to the attention of the Congress in a series of weekly speeches until such time as this critical national problem is satisfactorily resolved.

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO ACCEPT A FOREIGN DECORATION

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8594) to authorize the Honorable ALBERT P. MORANO, Member of Congress, to accept and wear the award of the Cross of Commander of the Royal Order of the Phoenix conferred upon him by His Majesty the King of the Hellenes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Honorable ALBERT P. MORANO, Member of Congress, is authorized to accept the award of the Cross of Commander of the Royal Order of the Phoenix conferred upon him by His Majesty the King of the Hellenes, together with any decorations and documents evidencing such award. The Secretary of State is authorized and directed to deliver to the Honorable ALBERT P. MORANO any decorations and documents evidencing such award.

SEC. 2. Notwithstanding the provisions of section 2 of the act of January 31, 1881 (5 U. S. C., sec. 114), or any other provision of law, the Honorable ALBERT P. MORANO may wear and display the decoration referred to in the first section of this act after acceptance thereof.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 309.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8240) to authorize certain construction at military installations, and for other purposes, and all points of order against said bill are hereby waived, except that it shall be in order to make a point of order against section 411. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommitt.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself such time as I may consume.

The SPEAKER. The gentleman is recognized.

Mr. TRIMBLE. Mr. Speaker, House Resolution 304 provides for the consideration of H. R. 6814. The resolution provides for an open rule and 2 hours of general debate on the bill.

H. R. 6814 establishes a compulsory inspection by the Federal Government of poultry and poultry products in interstate commerce and in major intrastate consuming areas designated by the Secretary of Agriculture.

The bill requires ante mortem inspection where and to the extent the Secretary deems necessary and requires post mortem inspection of each carcass in plants processing poultry and poultry products.

Sanitary regulations are to be set up by the Secretary for the purposes of the act, and inspection services will be refused processing plants failing to meet the requirements. Containers of poultry products inspected and found wholesome are to be labeled in accordance with the provisions of the bill.

H. R. 6814 does not regulate the handling, shipment, or sale of live poultry and does not apply to poultry processors engaged in intrastate commerce, except, as I have stated, in major consuming areas designated by the Secretary of Agriculture in accordance with the provisions of section 4 of the bill. Also, the bill does not apply to the processing or sale of egg or egg products or game birds. Exemptions are provided for producers who process their own poultry for sale direct to household consumers. The Secretary is also authorized to grant exemptions under certain circumstances to retailers and processors within certain urban areas, and poultry processed in accordance with religious dietary laws.

Prohibited acts are listed in the bill. It also provides for the imposing of injunctions to restrain violations, but does give the Secretary discretion to issue warnings in lieu of criminal or injunction proceedings.

If enacted, no person shall be subject to the act prior to January 1, 1959.

It is estimated that the cost of the program when fully in effect will be approximately \$10 million annually.

I urge prompt adoption of this resolution so the House may proceed to the consideration of H. R. 6814.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as she may desire to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Speaker, in this day and age of fancy packaging and new marketing techniques, the American housewife can no longer use many of her old tried-and-true ways of determining the quality of the foods she buys. The packaging obscures the product. The new marketing techniques do not permit the little rule-of-the-thumb tests of the past.

This is especially true of poultry. The eviscerated chicken of today can look good and still have been diseased. The housewife needs some new way of telling whether the poultry in the grocery store or supermarket should go on her dinner table.

With red meat, we have found compulsory inspection by trained inspectors to be an effective and inexpensive way of assuring the housewife of clean and wholesome food. The same can and should be done with poultry.

H. R. 6814 will give the housewife the protection she wants and needs for her family. I urge the Congress to help her by enacting this legislation for compulsory poultry inspection.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Arkansas [Mr. TRIMBLE] has explained this rule and the bill it makes in order. I understand there is some opposition to the bill although personally I feel it is a good one.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Kansas.

Mr. REES of Kansas. May I ask, Does the gentleman have any idea what the cost of this bill will be?

Mr. ALLEN of Illinois. I believe a little less than \$5 million.

Mr. REES of Kansas. A year? I thought it would cost more.

Mr. ALLEN of Illinois. That is correct.

Mr. REES of Kansas. How many new inspectors will be necessary if the bill is approved?

Mr. ALLEN of Illinois. I think it would be best for the gentleman from Kansas to ask that of some member of the Committee on Agriculture.

Mr. REES of Kansas. I thank the gentleman.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, the two questions asked by the gentleman from Kansas are part of the reasons why I am taking the floor at this time to oppose this bill. I never like to find myself in disagreement with one of the legislative committees. An observation of the

scene as it presently exists might indicate that the bill is going to pass, but it is not going to pass with my vote in the absence of any scientific, reasonable ground that I can discover to support this action to protect the health and welfare of the American people.

What you are really doing here, I might say in a brief sentence, answering the gentleman from Kansas and my other colleagues, is proposing to put from 2,000 to 3,000 more people on the Federal payroll. Is that what this Congress is dedicated to doing?

You are going to add an annual expenditure of from \$10 to \$20 million a year to Federal expenses. Is that a part of the economy drive of the Congress?

You are going to drive the small poultry processors out of business and concentrate the processing of poultry largely in the big plants in the large cities. Is this the way to encourage and preserve small business?

Finally, you are going to, in all probability, increase the spread between what the producer of the poultry gets for the chicken he raises and what the consumer pays for that chicken by something like 2 cents a pound and, looking into the future and to certain other things that develop, it could be much more than that.

Now, is that what we want to do in this Congress? Do we want to increase the spread and thereby the cost of living?

First of all, you should understand what this bill is going to provide for. It is going to require that a Federal inspector be in these poultry processing plants to look individually at the chickens as they are processed. The most conservative figure as to the number processed in this country each year is 2½ billion—not million, 2½ billion—and it runs up to 4 billion. Now, if they take very long to look at that many fowl, those inspectors are going to have to slow down a lot of lines, and it would seem to me it would take a small army to do the inspecting. That is the reason, as I say, that there undoubtedly will have to be some 2,000 or 3,000 inspectors.

Now, as to the cost. I have said that it will be from \$10 million to \$20 million a year. The bill specifically provides that the cost shall be paid by the Government, which means that it is a direct charge on the people of this country.

I have also referred to this proposal's impact on small business. I have here a letter from a poultry processor out in my district. When I found out about this bill, I got some copies and I sent them out there, because I rather wondered about it. This man has written his letter by hand. I know him personally. He writes:

DEAR CONGRESSMAN: I am writing to you concerning bill H. R. 6814, the Federal inspection bill.

Up to now this bill has not been brought to attention of small poultry dressers and processors, but if the bill goes through myself as well as some 15 other dressers in Jasper County—

That is my home county out in Indiana.

will have to close our small plants.

This is a vicious bill, and it not only concerns us but the public as well.

We are just as concerned about the health of the poultry we dress as this is the only thing we have to fight back at the big dressers with.

Mr. HALLECK, this bill is another rap at small business and will put the small operator that does custom work for farm freezers and local trade out of business.

Thanking you for considering this bill, I am.

Now, why do I say that that is the way I think this is going to work? First of all, look at the jurisdiction that is here involved. It does not concern itself only with interstate shipments. It says that the Secretary shall determine where the major consuming areas are. I take it that would be the metropolitan areas. Then, because that is said to burden and affect interstate commerce, this compulsory inspection would be required even in intrastate commerce. Well, I think I know why the burden would be on interstate commerce. The little processor outside of the city of Chicago who took his poultry in and sold it in intrastate commerce, with the inspection service and the attendant cost of inspection, would be at a competitive disadvantage with the interstate commerce shipper. I think it is just that plain. I think the preamble of the bill recognizes that.

Now, what will that end result be? These little processors down my way, many of them, sell to stores and outlets in Lake County, Ind., Gary, Hammond, and so forth. That will undoubtedly be declared a consuming area, so the result will be that these little fellows, if they want to stay in business, are going to have to have an inspector in their plants. Now, can you have an inspector for every one of the 15 little plants in my county? I do not think so. The result will be, as I say, that they will go out of business, and the business will go to the big city plants with the inevitable increase in cost.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Well, that inspector has to stay in that particular plant all the time. As long as it is in production, you have to have an inspector in every plant, if you are going to be practical.

Mr. HALLECK. That is right. You will have to have an inspector at the plant before he would dare to ship his poultry; and, if he shipped his poultry and he did not have an inspector, he would be in trouble with the Government.

I have mentioned the increase in the cost spread. I think the experience with the voluntary inspection system we have had is conclusive proof that it will add to the cost to the consumer; either that or take the added cost out of the processor of the poultry, who already, as I say, is not getting near what he ought to get. Actually, the poultry business as it has been developed in this country has been one particular industry vital to agriculture where the spread between the producer and the consumer has been kept down to the absolute minimum.

The question I raise, and I do this in all good faith, is this: If you want to

pass the bill, that is all right with me, but at least I wanted the record to show what I am convinced are the true facts in the situation. If we want to have that sort of a situation, then, of course, pass the bill.

Mr. DAWSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Utah.

Mr. DAWSON of Utah. I have heard no objection to the present system. I am wondering what is back of this bill, what is the reason for it?

Mr. HALLECK. I do not know, because I think anybody should be allowed to be for anything, in this country. They have that right. But the representative of the meatcutters union said that they had initiated the drive a long time ago and have pursued their efforts for this legislation. If you say, We want to put these people on the payroll; we want to add this cost to the Government; we do not care what happens to the small processors in the business; we do not care about the increase in spread from the producer to the consumer, then it seems to me you ought to say that there is a real reason for having it. And the thing that you would think of first of all, it seems to me, is that the health of the people is endangered by buying poultry that, somehow or other, infects the people who buy it and eat it. There is no scientific evidence to establish that fact.

Much has been made of something that starts with ornithosis in turkeys, but they tell me that you cannot discover that by a post mortem examination. You have got to discover it through an ante mortem examination. And secondly, the disease is not communicated to the people who eat the poultry, but to the ones who handle it.

In further substantiation of that matter, of the threat to the health of the people, Dr. Larrick, Commissioner of the Food and Drug Administration, was asked by members of the Appropriations Subcommittee this question:

What about these outbreaks of illness that I have heard about from eating chicken?

And Dr. Larrick replied:

We have not been able to establish any firm cases where a person contracted a contagious disease from the consumption of poultry.

If that is correct, then all I want to do here today is to point out what I think the impact of the enactment of this legislation will be. It just does not seem to me that a sufficient case has been made for the entry of the Federal Government into this business.

There is a voluntary inspection law, and some people have availed themselves of it. I think it was some sort of a sales' gimmick; maybe the crate containing the poultry had on it "Government inspected" which they thought would make it sell more quickly. But as I have understood it, the experience is that that has not worked out that way.

Of course, those people who are paying for that voluntary inspection, if this bill passes, will transfer that cost to the Federal Government.

It has been with some reluctance that I have undertaken to speak here on what I think of this bill. But I could not find it in my conscience—and I have read only one of the many letters that I have had from my district on this matter—I could not find it in my conscience to sit idly by and not say what I think are the facts involved in this proposed legislation.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman.

Mr. REES of Kansas. Has the gentleman noticed, on page 12 of the bill, the penalties that may be inflicted in the event of a violation of this proposed legislation—6 months in jail and \$3,000 fine?

Mr. HALLECK. It is a far-reaching bill. I have tried as best I could to find out what I could about the bill, who is for it and who is against it. Actually, when you begin to inquire who is for it, some people are listed in the report and I say to you on my word of honor, without mentioning names, that there are many of them who are very lukewarm. Sometimes we get started and are for something that we think will head off something worse. Then after a bit, what we started out with grows and grows and grows, like Topsy. I have found some of that in connection with some of the support of the bill.

Of course no one wants to do anything other than protect the safety and health and welfare of the American people, but I think there are other considerations that ought to be taken into account along with that.

Mr. TRIMBLE. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. WATTS].

Mr. WATTS. Mr. Speaker, under the consideration of the rule, I want to primarily direct my remarks in answer to some of the points that were raised by the gentleman from Indiana. I regret very much that I find myself in disagreement with him in regard to what this bill is for, its cost, and what it attempts to do.

He wanted to know who was for the bill. We had hearings before our committee for 6 days. We heard everybody that wanted to testify. We had 78 witnesses before us, and every single one of them said that this bill was vitally needed.

Who were those witnesses?

There is L. H. Abbott, president of the Kentucky Poultry Federation.

Cliff Carpenter, president, Institute of American Poultry Industries.

Frank T. Wollney, Institute of American Poultry Industries.

Albert R. Gibson, Georgia Poultry Federation.

Charles D. Hawks, Arkansas Poultry Federation.

Chester C. Housh, president, National Poultry Federation, also National Turkey Federation.

And on, and on, and on, 78 of them. Not a single soul appeared before our committee to testify against the bill, and we invited everybody.

I do not know whether the gentleman from Indiana agrees with the Indiana

Poultry Processors Association, but I have a telegram from them that came to me this morning. It reads as follows:

Hon. JOHN C. WATTS,
House of Representatives,
Washington, D. C.:

The Indiana Poultry Processors Association urges your capable support of H. R. 6814 as presented by House Committee on Agriculture, and cost of such inspection should be borne by federally collected funds.

ROBERT MCFARLING,
President, Indiana Poultry Processors Association.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I will be delighted to yield to the gentleman from Indiana.

Mr. HALLECK. It has been my understanding that an earlier resolution by the Indiana Poultry Processors Association contained a provision that the cost would be borne by the industry. Can the gentleman tell me whether or not that is true?

Mr. WATTS. I had no knowledge of it. This is the only information I have regarding their position. It is possible, among these 78 witnesses who testified, there might have been some from Indiana. I can look through here, if the gentleman desires, and advise him.

We had not only unorganized representatives of the poultry processors, and I named you just a few of them, but we also had State and local health agencies from all over this country testify, such as these:

Dr. Lloyd Florio, manager, Department of Health and Hospitals, Denver, Colo.

Dr. Aaron H. Haskin, health officer, city of Newark, N. J.

And on down, one after the other.

In addition, we had the following Members of Congress appear before our committee:

Hon. FRANK M. COFFIN, Hon. MARTHA W. GRIFFITHS, Hon. HARRY G. HASKELL, Hon. BURR P. HARRISON, Hon. CHARLES B. HOEVEN, Hon. EUGENE J. MCCARTHY, Hon. THADDEUS M. MACHROWICZ, Hon. D. R. (BILLY) MATTHEWS, along with many others, and testified in behalf of the bill.

Also, representatives of the Department of Health, Education, and Welfare, and the Department of Agriculture of the Federal Government appeared in support of the bill. There was not one single witness who did not testify before our committee that it was essential that we have Federal inspection of poultry if the American housewife and the American consumer could rely on the quality of the product they were buying. Many of the people who represented the industry which the gentleman from Indiana [Mr. HALLECK] claims will be disrupted said that unless Federal inspection of poultry was put into effect, the consuming public was going to stop eating poultry and that it would adversely affect the industry from top to bottom.

Another point the gentleman raised about the major consuming areas was written in the bill for one specific purpose, and I will try to outline it to you. When this bill was initially brought up, it was to deal with the movement of poultry in interstate commerce. We recognized there would be times when

independent merchants and local stores would be affected. We could pick one, as I did before the Committee on Rules in discussing this bill, in Richmond, Va. There will be poultry shipped in there from Maryland. That poultry will be federally inspected because it is moved in interstate commerce. I had a big chainstore man tell me that if he had two piles of poultry in his store—one bearing the Government shield of purity and inspection by the Government and the other without any shield on it, the consuming public and the housewife would buy only the inspected poultry even though it was 5 or 6 cents higher per pound than the poultry that did not bear the Federal shield of purity and inspection. So we undertook to do three things in this bill—one was to protect the consuming public. Second, to do it in a manner that would not discommode the processor any more than was necessary. Third, to make it broad enough so that every processor could come under it. Now let us go back to the Richmond, Va., situation. A man ships poultry there from Maryland and the store advertises, "I sell nothing but United States federally inspected poultry." That is in interstate commerce. There are a lot of little poultry processors around Richmond, Va. They would have to bring their poultry in and compete with the poultry that came from Maryland that is federally inspected. According to the information that the chainstore people and the soup company gave me, the fellow who did not have his poultry inspected was probably going to be out of luck because the housewife would buy the other poultry because she thought it was pure and clean. Now, with reference to this major consuming area, we provided that the governing authority of that city or the poultry processors around that city could petition the Department of Agriculture to hold a hearing and to determine whether Federal inspection should also be put into effect on all poultry that moved into Richmond, Va., whether in interstate or intrastate commerce. In the event Federal inspection was ordered, this would give the little processor the same opportunity to get his poultry inspection as the poultry shipped across the State line would have.

Mr. DAWSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield to the gentleman.

Mr. DAWSON of Utah. It seems to me the only justification for this bill would be the protection of the health and welfare of the people. Under the present system, have you had any cases where the health of the people has been endangered? What is the purpose of this bill?

Mr. WATTS. Under the present system, 26 percent to 30 percent of poultry is now inspected on a voluntary basis. Only the larger processing plants have been able to make a deal and put up the money to have it inspected. The smaller processors are practically shut out as far as inspection is concerned. Now to answer the gentleman's question. There have been hundreds of cases where people have been made sick and where they have lost time from work on account of

ornithosis and other diseases communicated by poultry. I have a letter from John L. Harvey, Deputy Commissioner of the Department of Health, Education, and Welfare, in which he very strongly endorsed the bill and says that there are 24 diseases of poultry which may be transmitted from poultry to man. There have been many instances in which the disease has been communicated to man—the RECORD is replete with them.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield.

Mr. HOFFMAN. In addition to these diseases referred to in the RECORD, poultry has lice, too, and individuals can get those. Is there anything in the bill that protects that?

Mr. WATTS. Well, I do not know about the protection of lice, but, I do know that the consuming public needs protection and we are endeavoring to afford them this protection by proper inspection for wholesomeness. The evidence is irrefutable that a human can get disease from poultry. In addition, we had evidence before our committee that many times poultry that had died from some natural cause was dressed and sold. Perhaps a chicken would have a cancer on one side of it. That piece was cut off and thrown away and the rest was cut up and put in a package and sold to the consumer. Those instances were few, but it is like everything else in this country. About 5 percent of the people cause all the trouble.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. TRIMBLE. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. WATTS. This 5 percent of the people who will not do what is right is the reason we have to enact this bill.

We will have 2 hours of general debate if you adopt the rule. I will be glad to answer any questions about the bill. All I ask you is to adopt the rule and give us an opportunity to go into the merits of the bill.

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN. Mr. Speaker, in addition to the reasons given by our colleague, the gentleman from Indiana [Mr. HALLECK], attention may be called to the fact that the hearings show that most of the people appearing in support of the bill were representatives of certain organizations. As the gentleman from Indiana [Mr. HALLECK] so correctly said, the effect of this bill, boiled down, is to increase the business of the larger operators, tend to create a monopoly in the poultry business, and to shut out the little fellow. There is no question but that will be the ultimate result.

Another effect of the bill, as the gentleman said, would be to create a horde of Federal employees. The departments and agencies send their agents, sometimes under one name, again under another, all over the country until today

the average businessman does not see the back of one leaving until the nose of another is on the way in.

One of the things that our forefathers wrote into the Declaration of Independence—they were writing about the King—was:

He has created a multitude of new offices and sent hither swarms of officers to harass and eat out the substance of the people.

They rebelled. They fought and won a war to get out from under. We meekly submit that is what we are doing here today. There is not a week goes by that our people do not complain to us about inspections. About snooping—unnecessary and costly. About an ever-increasing number of Federal employees; unnecessary redtape.

I looked at the hearings a moment ago, and one of the witnesses referred to by the gentleman from Kentucky, who just preceded me [Mr. WATTS], was the president of a poultry association. You know, it is odd the way the association sought the opinion of its members. It sent out a questionnaire and asked the members all sorts of things. Here is the tail end of the questions they submitted: The last sentence:

In furtherance of this longstanding dedication—

That is, the Institute had paid for some inspections; then they add—

provided such programs are paid for from Federal and State funds.

That is, no cost to the individual whose opinion was asked.

Well, who does not want something that we can get some other fellow to pay for it, something for nothing, even if he does not need it or want it?

But—here is what those of us who oppose this bill will run into, and it is a bad thing politically for us. I have had some experience with it. But these health agencies of the State and of the Federal Government will charge that those who vote—this is a rather frank expression—those who vote against the adoption of this resolution want the folks to eat diseased and decomposed poultry. That is what they will say. We have had it before earlier this session. You will recall one of the bills from the Department of Health, Education, and Welfare. Every time an argument was made on the floor, those who opposed that legislation were charged with wanting to not only make people suffer from disease, affliction from some sort of illness, but we were accused of wanting them to eat poisoned food which would kill them. A ridiculous charge but repeatedly made. Why not, as this debate runs on today, have just a little charity and let those who want this bill confine their arguments to what the bill will do and not charge those who oppose it with wanting to kill off our constituents?

This particular bill is devised, as the gentleman from Indiana [Mr. HALLECK] said, to promote monopoly, to squeeze out the small fellow, to make it impossible for the individual to do business if he is in the poultry business. The principal argument will be, as I said a moment ago, against those of us who

oppose it: Oh, well, you want to put onto the market rotten poultry. That is not so. This bill is a bill to create new Federal employees at the taxpayers' expense. And what becomes of our economy program? The gentleman whose testimony I just referred to is a veterinarian. When I was home earlier this summer one of the companies which produced poultry and markets it, from the egg all the way through to the ultimate consumer of the dressed product—a very successful group of farmers—they asked: "Do you know what is the matter with this proposed legislation?" I said, "No, except the usual thing to establish a bigger and better bureaucracy and increase the number of employees." And this fellow said "Yes, and you cannot get inspectors there to do the job unless they are veterinarians, and a veterinarian gets five bucks an hour, when we can take a man from the plant itself and do the work just as efficiently and just as thoroughly for \$2 an hour."

So the veterinarians have some interest in it.

We in almost all States now have sufficient regulations—clean good food products—this bill is just another expansion of Uncle Sam's domain—an unneeded expensive extension of snooping—of redtape.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. TRIMBLE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I was not going to discuss the merits of the bill, but there is one feature of it that I called to the attention of the Committee on Agriculture when it was before the Rules Committee, and that I wish to call to the attention of the House because I think an amendment to the bill would be in order. That, however, is a matter I leave to the judgment of the committee, but I wish to call it to your attention this afternoon.

The Supreme Court has laid down what they call the preemption doctrine; that is when Congress has enacted any legislation on any subject that it preempts the field and thereby prohibits the State courts or the State authorities from exercising any jurisdiction of any character about it. It is illustrated well by a case, which would apply very much as this bill does, that arose in the State of Alabama. It was known as Alabama against the Cloverleaf Butter Co. That was a corporation that was renovating butter and shipping it into the State and also out of the State. The Federal Government apparently was not inspecting it. The State of Alabama feared that bad butter was being sold to their people and sent their inspectors to the plant to inspect it. The company refused to permit them to inspect on the ground that the Federal Congress had already passed the Pure Food and Drugs Act.

That case went to the Supreme Court, and the Supreme Court held that when the Congress passed a Pure Food and Drug Act it preempted the field of inspection of foods and that, therefore, the State could not inspect that food no matter how rotten it might be.

The same situation applies here. In none of your States could your State authorities under the Supreme Court decision inspect any poultry that was processed in your State, because the Federal Government preempted that field when it passed this bill.

Let me add one thing further, and this is something I have been trying in this House to get enacted for a number of years. I have not been able to get it out of the Judiciary Committee yet. I do hope that they will finally break down and let this bill come to the floor so that we can correct one of the worst evils that exists today in the whole of this country. The Supreme Court has held, and very recently held, that if the Congress does pass a law such as this and the Congress fails to implement that law by adequate inspection and the Federal Government does not do anything about it, the State government is still prohibited from doing anything about it. If that is the kind of situation you want to put on your people, it is all right with me, but I call it to your attention and I think the committee in charge of this bill ought to offer a simple amendment which would not provide that while this law has been passed by the Congress it is not intended to revoke the rights of the States to have whatever supplemental inspection they desire.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to say to the gentleman for whatever interest it may be to my colleagues that I have been disturbed, I was about to say as much as the gentleman from Virginia, maybe not as much but I have been very much disturbed, at this whole doctrine of preemption that has been developing in this country. I agree with the gentleman that something ought to be done about it.

In the measure before us not only does it provide for inspection but it provides for the Federal Government setting up regulations having to do with sanitation and various conditions in these processing plants. Many of the States presently have regulations and laws dealing with that very matter and great progress has been made in the States.

Mr. SMITH of Virginia. The gentleman is taking up my time, but I am glad to hear him come up and say that he is for doing something about this preemption doctrine because I have been trying for years to get him to say that. I have him on record now.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield? I heard the gentleman ask the President just last week to do something about that preemption proposition.

Mr. SMITH of Virginia. I am delighted to know that. I know he exerts a great influence at the White House and I believe he can do something about it.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Maine [Mr. McINTIRE].

Mr. McINTIRE. Mr. Speaker, I rise in the consideration of this rule to point out 2 or 3 facts which I think are appro-

priate in the consideration of this rule, statements already made by previous speakers. I want to say that I appreciate and respect a difference of opinion on the part of anyone in relation to any legislation, but some statements have been made as to the number of people that would be involved under the legislation which we now have before us.

I can only rely on the basis of information obtained from the poultry branch of the Department of Agriculture. I would point out to you that in the Agricultural Marketing Act of 1946, provision was made for voluntary inspection of poultry. Since that time a program of inspection has been developed in part for the industry. At the present time there are 525 inspectors who are serving 320 processing plants. As I say, I can only rely on the figures of the Department of Agriculture. They have had experience in this field and I consider their figures are reasonably accurate. It is estimated by the Department that under this legislation it would require about a doubling of the inspection force, or approximately 1,100 inspectors. I would suggest that that figure be kept in mind in relation to the estimate of 2,500 or 3,000 inspectors stated by previous speakers.

A statement was also made that the voluntary inspection program now in effect was probably asked for by the processors as some type of a sales gimmick.

There are two States in the Union that have Federal-State agreements in relation to the inspection of poultry. Those States are North Dakota and my own State of Maine. I can assure you that on my information and familiarity with the poultry-processing industry in my own State the program of voluntary inspection is not a sales gimmick. It is entirely one whereby the processors are interested in putting onto the market a uniformly packaged and processed product that has been processed in plants which meet inspection requirements, and it is their interest in a wholesome product which has initiated their program of inspection along with, of course, the fact that it would carry a United States inspector's label.

I would also wish to point out to you in reply to a statement made that this program would require only qualified veterinarians to provide the inspection, that that is not in this legislation. The Secretary is authorized to employ qualified people, and the requirement is not that they be veterinarians, and that point should be very clearly understood, because to read it any other way is to be misinformed on the legislation.

Mr. Speaker, I think this legislation is deserving of our careful consideration. I want to say that the subcommittee, under the chairmanship of the gentleman from Kentucky [Mr. WATTS], has done a very thorough job. While there has been an interest in this legislation on the part of various groups, I would want to say for your information that the first draft of this legislation came to my attention through the interest of farm organizations, and because of that fact I think that the record stands that the farm organizations have been active over

a period of 2 or 3 years in drawing up and consulting with the poultry industry the type of legislation which would best serve the industry in order that there can be put onto the market this fresh product in an inspected, wholesome manner.

In closing I want to pay a compliment to the poultry industry for the fine job it has done. My interest in this legislation is simply that, as we move out, as we are doing into a tremendous volume of fresh meat, this industry make sure, through a system of inspection, that it is putting its product onto the market in a most wholesome manner; that the birds themselves are wholesome, and that the processing plants in which they are handled meet uniform standards of sanitation.

Mr. Speaker, I urge favorable consideration of this rule.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from New York.

Mr. TABER. I do not know much about the bill, but I see in section 4, page 3, it provides that it shall be effective after an application to and passing upon the need for it by the Secretary of Agriculture, and on page 8, section 8, all sorts of things are prohibited, and they do not say anything about exempting those places where the Secretary has not made such a decree. Now, it looks to me like the bill is all mixed up.

Mr. REECE of Tennessee. I think myself that the bill is very much mixed up. And, carrying the gentleman's question a little further instead of answering it, I want to call the attention of the House to the fact that if a processor is engaged in both interstate and intrastate business, coming under the provisions of this act, he can ship in neither intrastate nor interstate until his product has been inspected; therefore he might be prohibited from shipping, if adequate inspection is not provided for both interstate and intrastate.

Mr. WATTS. Mr. Speaker, will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from Kentucky.

Mr. WATTS. The bill covers all poultry and poultry products that are shipped in interstate commerce except that shipped in live form. The section that the gentleman refers to on page 3 provides for additional inspection of poultry that moves into large consuming areas. As I attempted to explain on the floor a few minutes ago, that was put in the bill on purpose so that a small processor who might be processing poultry outside of a large city and had to compete with interstate poultry they were shipping in with a Federal stamp on it could get the opportunity to have his plant inspected and his poultry inspected, with a United States inspection label attached to it, in order that he would not be put out of business by some store or some other large concern advertising United States inspected products.

Mr. REECE of Tennessee. Mr. Speaker, I cannot agree with the construction of the gentleman from Kentucky [Mr. WATTS] on this provision of the act. I think it is open to the opposite construction, as was indicated by the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. REECE of Tennessee. I yield.

Mr. HALLECK. As I pointed out, and as was indicated in the letter that I received from a little processor in my home county, he said there were 15 little processors there, and the matter of establishing inspectors there would be almost out of the question. And so, instead of keeping them in business, this would really put them out of business.

Mr. REECE of Tennessee. The effect of it will tend, regardless of what the intention is, to put the little processor out of business and to concentrate the poultry business in the hands of a few people. And when that is done, these plants are going to have such a tremendous volume of poultry on the assembly lines, that it will be impossible to make an adequate post mortem bird-by-bird inspection. An efficient operating plant at the present time produces some 4,000 to 5,000 birds an hour. I cannot envision how an inspection can possibly be provided, a post mortem bird-by-bird inspection, that will mean anything, so far as detecting disease or any of these other matters to which the advocates of the bill refer.

There are 2½ billion birds of all types produced and marketed in the United States each year, about 70 billion pounds. If you concentrate the processing of these birds in a few plants, you are going to have such a tremendous assembly-line operation that it will be completely impossible to have an inspection that means anything more than a stamp. And that is the very thing we want to avoid. As the gentleman from Michigan said a while ago, there is no serious health problem involved, so far as the public is aware, in connection with the poultry operation. There has been no outbreak, there has been no public discussion.

The original bill provided for inspection by the Secretary of Agriculture under regulations set up by him. That bill would have been satisfactory to all the industry, the large and the small alike. When the original hearings were held by the committee it was on that type of legislation. Now this is a compulsory inspection bill, a post mortem bird-by-bird inspection which, in my judgment, is not only completely impractical, but completely impossible so far as effective inspection is concerned. These people who now have voluntary inspection—and most of their product goes into soups and pies—find that the inspection costs about \$3 million a year and, of course, they are going to put that cost on the Government. The total cost of this inspection will run somewhere between twelve and twenty million dollars a year. We will wind up with a bureaucracy in this division that will be not less than 5,000 employees. We are just opening up another floodgate to have inspectors and other employees in the Federal Govern-

ment going over this country, not protecting the health of the people, because it is impossible to get effective action under the provisions of this bill, but interrupting the flow of poultry from the farm to the market, with the result that there is going to be a backing up, there is going to be disaster in the poultry business from the farmer's standpoint.

Mr. TRIMBLE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. WATTS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6814) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6814, with Mr. O'BRIEN of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WATTS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, there has already been quite a bit of discussion about some of the features of this bill. Legislation of this type was introduced by some 7 or 8 Members of this body. It was sponsored by the Department of Agriculture. We held about 6 days of hearings and had 78 witnesses representing every segment of the poultry industry, including representatives of major food companies, consumer groups, labor groups, health groups, State groups, and the Department of Agriculture and the Department of Health, Education, and Welfare.

Every single person that testified before our committee said that for the welfare of the consuming public and for the long-term good of the producer compulsory Federal inspection of poultry was necessary. Not one single voice was raised in those 6 days by a single one of those witnesses, and they covered the farmer as well as the producer and the consumer and everybody, because the American Farm Bureau Federation, the National Farmers Union, and the Grange, all testified in behalf of this bill.

They all said they wanted the bill, but I am going to have to admit to you that some of them kind of fell out with one another as to what should go into it. Your committee had a number of executive sessions at which they brought in various people and undertook to reconcile the various views. This bill is a compromise bill. We took into consideration in reaching the compromise every single idea or thought that was expressed to us. We had in our mind our duty to the American consumer to see to it that good, clean, healthy, wholesome poultry was supplied to the housewives and the consumers of this country.

Testimony before our committee showed that about 25 percent of the meat consumed in this country today is poultry. It is being marketed in ever

greater quantities and transported across many miles to distant parts of the country. No longer are poultry markets confined to the local area where raised.

Poultry is now cut up and put in chicken pies and turkey pies, the old days when the housewife could look the chicken over and dress her own chicken and see what was on the inside of it and see what its condition was has long passed. Frequently, what she gets today is a cut-up chicken in a box or in a pie. As I said, the testimony before our committee was such that it was not pleasant to listen to. Your committee was unanimous in its opinion that we should have this compulsory inspection bill. We felt that since it was being done for the protection of the public that the public should pay for it. The testimony before our committee showed that for the first year it would cost something like \$4 million and that when it got in full swing, it was estimated to cost \$10 million. That was the cardinal purpose. Our second objective in the subcommittee was to give the American public this wholesome poultry in a manner that would least discommode and disrupt the orderly processes of poultry industry, and at the least, cause no expense to the Government. We tried to do that. We did not endeavor to agree with any particular group. I wanted this and the processors wanted that—nobody is totally satisfied with this bill—what I mean is that nobody got exactly what they wanted. It was a compromise that we think everybody can live with. Our third objective in the committee was to make it possible for everybody who desired compulsory Federal inspection to secure it. We realize, as I stated a few moments ago, that you might find conditions where nonfederally inspected poultry had to compete with federally inspected poultry. One of the officials of the large chainstores told me that if he had federally inspected poultry on one shelf at 38 cents a pound and nonfederally inspected poultry on another shelf at 32 cents a pound, he would not sell any of the 32-cent poultry because the housewife, naturally, being used to seeing the Federal inspection stamp on red meat and relying on it would buy that kind of poultry and the little processor who had no opportunity to get Federal inspection might be put out of business.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield.

Mr. BARDEN. Does the gentleman have any objection to the type amendment suggested by the gentleman from Virginia [Mr. SMITH] relative to the preemption of the authority of the States?

Mr. WATTS. I have not had an opportunity to give it thorough consideration at this time. I would like to defer any answer to that until I get a chance to talk with counsel and other members on the committee.

Mr. Chairman, those were the 3 principles we had in mind when writing this bill. Now, some say that this will put the small producer out of business. I

The same situation applies here. In none of your States could your State authorities under the Supreme Court decision inspect any poultry that was processed in your State, because the Federal Government preempted that field when it passed this bill.

Let me add one thing further, and this is something I have been trying in this House to get enacted for a number of years. I have not been able to get it out of the Judiciary Committee yet. I do hope that they will finally break down and let this bill come to the floor so that we can correct one of the worst evils that exists today in the whole of this country. The Supreme Court has held, and very recently held, that if the Congress does pass a law such as this and the Congress fails to implement that law by adequate inspection and the Federal Government does not do anything about it, the State government is still prohibited from doing anything about it. If that is the kind of situation you want to put on your people, it is all right with me, but I call it to your attention and I think the committee in charge of this bill ought to offer a simple amendment which would not provide that while this law has been thrust by the Congress it is not intended to revoke the rights of the States to have whatever supplemental inspection they desire.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to say to the gentleman for whatever interest it may be to my colleagues that I have been disturbed, I was about to say as much as the gentleman from Virginia, maybe not as much but I have been very much disturbed, at this whole doctrine of preemption that has been developing in this country. I agree with the gentleman that something ought to be done about it.

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Mr. McINTIRE. Mr. Speaker, I rise in the consideration of this rule to point out 2 or 3 facts which I think are appro-

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A statement was also made that the voluntary inspection program now in effect was probably asked for by the processors as some type of a sales gimmick.

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I would also wish to point out to you in reply to a statement made that this program would require only qualified veterinarians to provide the inspection, that that is not in this legislation. The Secretary is authorized to employ qualified people, and the requirement is not that they be veterinarians, and that point should be very clearly understood, because to read it any other way is to be misinformed on the legislation.

Mr. Speaker, I think this legislation is deserving of our careful consideration. I want to say that the subcommittee, under the chairmanship of the gentleman from Kentucky [Mr. WATTS], has done a very thorough job. While there has been an interest in this legislation on the part of various groups, I would want to say for your information that the first draft of this legislation came to my attention through the interest of farm organizations, and because of that fact I think that the record stands that the farm organizations have been active over

a period of 2 or 3 years in drawing up and consulting with the poultry industry the type of legislation which would best serve the industry in order that there can be put onto the market this fresh product in an inspected, wholesome manner.

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Mr. Speaker, I urge favorable consideration of this rule.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from New York.

Mr. TABER. I do not know much about the bill, but I see in section 4, page 3, it provides that it shall be effective after an application to and passing upon the need for it by the Secretary of Agriculture, and on page 8, section 8, all sorts of things are prohibited, and they do not say anything about exempting those places where the Secretary has not made such a decree. Now, it looks to me like the bill is all mixed up.

Mr. REECE of Tennessee. I think myself that the bill is very much mixed up. And, carrying the gentleman's question a little further instead of answering it, I want to call the attention of the House to the fact that if a processor is engaged in both interstate and intrastate business, coming under the provisions of this act, he can ship in neither intrastate nor interstate until his product has been inspected; therefore he might be prohibited from shipping, if adequate inspection is not provided for both interstate and intrastate.

Mr. WATTS. Mr. Speaker, will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from Kentucky.

Mr. WATTS. The bill covers all poultry and poultry products that are shipped in interstate commerce except that shipped in live form. The section that the gentleman refers to on page 3 provides for additional inspection of poultry that moves into large consuming areas. As I attempted to explain on the floor a few minutes ago, that was put in the bill on purpose so that a small processor who might be processing poultry outside of a large city and had to compete with interstate poultry they were shipping in with a Federal stamp on it could get the opportunity to have his plant inspected and his poultry inspected, with a United States inspection label attached to it, in order that he would not be put out of business by some store or some other large concern advertising United States inspected products.

Mr. REECE of Tennessee. Mr. Speaker, I cannot agree with the construction of the gentleman from Kentucky [Mr. WATTS] on this provision of the act. I think it is open to the opposite construction, as was indicated by the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. REECE of Tennessee. I yield.

Mr. HALLECK. As I pointed out, and as was indicated in the letter that I received from a little processor in my home county, he said there were 15 little processors there, and the matter of establishing inspectors there would be almost out of the question. And so, instead of keeping them in business, this would really put them out of business.

Mr. REECE of Tennessee. The effect of it will tend, regardless of what the intention is, to put the little processor out of business and to concentrate the poultry business in the hands of a few people. And when that is done, these plants are going to have such a tremendous volume of poultry on the assembly lines, that it will be impossible to make an adequate post mortem bird-by-bird inspection. An efficient operating plant at the present time produces some 4,000 to 5,000 birds an hour. I cannot envision how an inspection can possibly be provided, a post mortem bird-by-bird inspection, that will mean anything, so far as detecting disease or any of these other matters to which the advocates of the bill refer.

There are 2½ billion birds of all types produced and marketed in the United States each year, about 70 billion pounds. If you concentrate the processing of these birds in a few plants, you are going to have such a tremendous assembly-line operation that it will be completely impossible to have an inspection that means anything more than a stamp. And that is the very thing we want to avoid. As the gentleman from Michigan said a while ago, there is no serious health problem involved, so far as the public is aware, in connection with the poultry operation. There has been no outbreak, there has been no public discussion.

The original bill provided for inspection by the Secretary of Agriculture under regulations set up by him. That bill would have been satisfactory to all the industry, the large and the small alike. When the original hearings were held by the committee it was on that type of legislation. Now this is a compulsory inspection bill, a post mortem bird-by-bird inspection which, in my judgment, is not only completely impractical, but completely impossible so far as effective inspection is concerned. These people who now have voluntary inspection—and most of their product goes into soups and pies—find that the inspection costs about \$3 million a year and, of course, they are going to put that cost on the Government. The total cost of this inspection will run somewhere between twelve and twenty million dollars a year. We will wind up with a bureaucracy in this division that will be not less than 5,000 employees. We are just opening up another floodgate to have inspectors and other employees in the Federal Govern-

ment going over this country, not protecting the health of the people, because it is impossible to get effective action under the provisions of this bill, but interrupting the flow of poultry from the farm to the market, with the result that there is going to be a backing up, there is going to be disaster in the poultry business from the farmer's standpoint.

Mr. TRIMBLE. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The resolution was agreed to.

Mr. WATTS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6814) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6814, with Mr. O'BRIEN of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WATTS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, there has already been quite a bit of discussion about some of the features of this bill. Legislation of this type was introduced by some 7 or 8 Members of this body. It was sponsored by the Department of Agriculture. We held about 6 days of hearings and had 78 witnesses representing every segment of the poultry industry, including representatives of major food companies, consumer groups, labor groups, health groups, State groups, and the Department of Agriculture and the Department of Health, Education, and Welfare.

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Testimony before our committee showed that about 25 percent of the meat consumed in this country today is poultry. It is being marketed in ever

greater quantities and transported across many miles to distant parts of the country. No longer are poultry markets confined to the local area where raised.

Poultry is now cut up and put in chicken pies and turkey pies, the old days when the housewife could look the chicken over and dress her own chicken and see what was on the inside of it and see what its condition was has long passed. Frequently, what she gets today is a cut-up chicken in a box or in a pie. As I said, the testimony before our committee was such that it was not pleasant to listen to. Your committee was unanimous in its opinion that we should have this compulsory inspection bill. We felt that since it was being done for the protection of the public that the public should pay for it. The testimony before our committee showed that for the first year it would cost something like \$4 million and that when it got in full swing, it was estimated to cost \$10 million. That was the cardinal purpose. Our second objective in the subcommittee was to give the American public this wholesome poultry in a manner that would least discommode and disrupt the orderly processes of poultry industry, and at the least, pense to the Government. We tried to do that. We did not en- agree with any particular group. I wanted this and the processors wanted that—nobody is totally satisfied with this bill—what I mean is that nobody got exactly what they wanted. It was a compromise that we think everybody can live with. Our third objective in the committee was to make it possible for everybody who desired compulsory Federal inspection to secure it. We realize, as I stated a few moments ago, that you might find conditions where nonfederally inspected poultry had to compete with federally inspected poultry. One of the officials of the large chainstores told me that if he had federally inspected poultry on one shelf at 38 cents a pound and nonfederally inspected poultry on another shelf at 32 cents a pound, he would not sell any of the 32-cent poultry because the housewife, naturally, being used to seeing the Federal inspection stamp on red meat and relying on it would buy that kind of poultry and the little processor who had no opportunity to get Federal inspection might be put out of business.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield.

Mr. BARDEN. Does the gentleman have any objection to the type amendment suggested by the gentleman from Virginia [Mr. SMITH] relative to the pre-emption of the authority of the States?

Mr. WATTS. I have not had an opportunity to give it thorough consideration at this time. I would like to defer any answer to that until I get a chance to talk with counsel and other members on the committee.

Mr. Chairman, those were the 3 principles we had in mind when writing this bill. Now, some say that this will put the small producer out of business. I

want to talk about that for just a little bit. I have a letter from True D. Morse, Under Secretary of Agriculture.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I am delighted to yield to the gentleman.

Mr. FORD. On page 1 of the committee report, you state as follows, and I quote:

Specific exemptions are provided for producers who process their own poultry and sell it directly to household consumers.

As I understand it, under the exemptions which begin on page 13 of the bill and run through page 15, it is the intention of the committee that the Secretary of Agriculture shall issue certain regulations which would conform with that statement which I quoted in the committee report.

Mr. WATTS. That is right. May I say to the gentleman, in addition to that, I have an amendment which the committee has agreed to to section 15 which says the Secretary "shall."

Mr. FORD. That is exactly the amendment which I was going to suggest to the gentleman and which I hope the committee would accept. I think it is essential and necessary to conform to committee's intention.

Mr. WATTS. In addition to that, on page 15, while I am at it, section 1 where it says poultry producers with respect to poultry of their own raising on their own farm which they sell directly to household consumers, we have added after that amendment language which would extend the exemption to restaurants or to hotels where they are consumed on those premises.

Mr. FORD. May I ask the gentleman one other question?

Mr. WATTS. Yes; indeed.

Mr. FORD. I have a large metropolitan area within my district, and surrounding it there is a very sizable poultry-producing area. A good share of the poultry produced in the area does not move in interstate commerce, and I feel that they could and would subscribe to the requirements under this legislation. But if this large metropolitan area is designated as a major consuming area, it is my understanding that under this legislation the poultry producers in this community, if they were to sell within that major consuming area but not within interstate commerce, would fall within the purview of this legislation.

Mr. WATTS. Provided they have asked the Secretary of Agriculture to hold a hearing and determine: First, whether or not that city should be considered a major consuming area and, second, whether or not the movement of intrastate poultry was in such volume as to burden the flow of interstate commerce and, as a result, put in that category.

Mr. FORD. Who acts?

Mr. WATTS. Well, the poultry producers could petition, or the city authorities could petition. We made it as broad as possible, because we did not want your producers with good healthy poultry to be kept out of the market because their product bore no Federal stamp. I large executive of a chainstore

told me that under those circumstances the housewife would be inclined to buy that which had the Government stamp. So we wanted your men to get a stamp of approval.

Mr. FORD. Does the gentleman have any information as to whether such an amendment would be acceptable by the other body?

Mr. WATTS. I have not. I am going back to the statement about putting the small producer out of business, and I want to read an excerpt from a letter from Hon. True D. Morse, Acting Secretary of Agriculture, dated June 27, 1957, which addresses itself to the furnishing of inspectors:

DEAR CONGRESSMAN WATTS: This is in reply to your request for comments from the Department of Agriculture concerning the administration of the compulsory poultry-inspection activity which would be required under H. R. 6814, as it applies to small poultry processors.

This legislation is designed to provide wholesome poultry to consumers where such poultry moves in interstate commerce. The United States Department of Agriculture would be obligated to furnish inspection to every poultry processor who is involved in interstate commerce, regardless of the size of operations, his location, or his type of operation.

Certainly I come from a community of small farmers and small producers. I do not have many poultry producers in my district. Along with other members of this committee I tried to approach this matter in a manner to do what is best for everybody. I would not be a party to any legislation that I thought for 1 moment would mitigate against the smaller producer.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield.

Mr. LANDRUM. In connection with the statement the gentleman has just read from Mr. True Morse, of the Department of Agriculture, I understood you to say that Mr. Morse recognized it was up to the Department of Agriculture to furnish inspectors for every processor, regardless of the size of that processor.

Mr. WATTS. That is right.

Mr. LANDRUM. In the committee report, on page 3, I find in the paragraph dealing with ante mortem and post mortem inspection and reinspection, two sentences which I would like to read.

The Department of Agriculture advises that the carcass of each bird processed is examined under the voluntary inspection program now in effect.

The bill provides, as I understand it, for a post mortem inspection of each carcass.

Mr. WATTS. That is right.

Mr. LANDRUM. And the report further says:

The committee in placing this requirement in the bill does so with the direction to the Secretary that he shall at all times provide sufficient inspectors and employ such procedures as will not slow down processing operations in the plants being inspected.

I wonder if the gentleman who has rendered, incidentally, such a magnificent job as chairman of this subcommittee, I wonder if the gentleman would

comment upon the real intent of Congress as to the slowing down of this processing procedure in the plants?

Mr. WATTS. I shall be delighted to.

During the course of our hearings certain persons raised the same question that the gentleman from Tennessee did. I took it up with the Department, or we in the committee took it up with them. We mean for the Department of Agriculture to furnish enough inspectors to do the job without slowing down any of the processors.

Mr. REECE of Tennessee. Since the gentleman has made such an exhaustive study of the question let me ask him this: In the plant that has 4,000 or 5,000 chickens going over the assembly line per hour just how could an effective inspection be arranged without slowing down the operation? What would be the method and the procedure?

Mr. WATTS. Does the gentleman from Maine desire that I yield to him to answer the question?

Mr. McINTIRE. If the gentleman will yield I would be glad to answer.

Mr. WATTS. I yield to the gentleman.

Mr. McINTIRE. I would like to point out in respect to the question that has been raised by the gentleman from Tennessee that in plants in my home State which are now operating under the voluntary inspection program which, in fairness, is just as strong a program as the one would be under this legislation, I have personally seen lines operating at about 4,000 to 4,500 birds per hour where a thorough inspection is being made.

I am advised by the Department that sound inspection can be made by one inspector serving a single processing line on from 20 to 25 frying chickens per minute which would be approximately the same as broiler weights, and so forth. With larger birds it is a little more; but with four inspectors on the line, which is not uncommon where inspection service is being given under the voluntary program, they will handle from 80 to 105 birds of broiler size per minute, which calculates out to be between 4,000 and 5,000 birds per hour in those plants.

It is my sincere belief on the basis of my observation in dressing plants that this service can be accomplished effectively at that rate at least and possibly a little faster.

Mr. WATTS. I thank the gentleman from Maine, and I will ask the gentleman from Tennessee if that answers his question.

Mr. REECE of Tennessee. May I ask the gentleman from Kentucky whether the chickens in the plant to which he referred were going largely into the broiler market or into the soup and pie market?

Mr. WATTS. It just happens, I may say to the gentleman from Tennessee, that those chickens were moving into the broiler market.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Utah, a member of the committee.

Mr. DIXON. There are two purposes of inspection, are there not? One is to inspect against disease, and the other is to guard against filth.

Mr. WATTS. Certainly. It is a fact that when you cook any kind of meat sufficiently long and sufficiently hard that there is very little likelihood that you could get any disease from it; but there are many things that you can cook that you might not want to eat. You could pick meat up out of the gutter and cook it long enough to make it harmless, but you would not want to eat it.

Mr. DIXON. The gentleman wants to guard against well-cooked garbage as well as poultry disease.

Mr. WATTS. I thank the gentleman for his inquiry and for his comment.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield.

Mr. PRICE. I think it is very doubtful if the inspection service contemplated under this bill would adversely affect the efficient operation of any poultry plant, but even if it did slow up assembly line production a little it is in the interest of the health of the people of the country to sacrifice perhaps a little time for the protection of the people's health.

Mr. WATTS. I agree with the gentleman entirely and thank him for his timely observation.

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield.

Mr. ELLIOTT. Do I understand from the inquiry of the gentleman from Kentucky that these small plants that oftentimes do not run a full 5-day week, but may run 1 or 2 days a week, or half a day 3 or 4 days a week, are going to have the benefit of this Federal inspection that the gentleman is discussing?

Mr. WATTS. They certainly are if the Department of Agriculture carries out the directive of this committee, provided they are shipping in interstate commerce or shipping into a major consuming area. We provide they may have cooperative arrangements with the States. They may use State employees, they may use part-time employees, they may use them by the hour. We realize there are a lot of little plants that cannot keep a man sitting around all day just to make an inspection involving an hour or so. But he can go out and inspect that plant while they are processing those birds. It is our intention to see to it that everybody gets the benefit of the inspection.

Mr. ELLIOTT. Does the bill provide any qualifications for the inspectors?

Mr. WATTS. It does. It does not set up the precise qualifications. It lets the Department of Agriculture do that.

Mr. ELLIOTT. Has the gentleman any statements in the hearing or otherwise as to what qualifications might be prescribed?

Mr. WATTS. I think there might be some general statement in the report, but I do not think we tried to tie them down. They are going to have to go to the far reaches of the United States. We have some language in our report. Of course, we realize that different-sized processing plants must have different types of regulation. You may have a plant processing 5,000 or 6,000 chickens and hour. Maybe one type of regulation might be put on for him. The other

little fellow processes 50 or 70 and a different type of regulation has to be prescribed.

Mr. ELLIOTT. Did I understand the gentleman further to say that these inspectors definitely will not necessarily have to be veterinarians?

Mr. WATTS. That is right.

Mr. Chairman, I want to speak about a statement that the gentleman from Indiana made in reference to an increase in the cost of the poultry to the American housewife and the consumer. All the information that we were able to gather is that it would probably reduce the price because about 30 percent of the poultry now is moving under voluntary inspection where the processor is paying for it. When he is relieved of the burden of paying for the inspectors he can naturally put that poultry on the market a little cheaper. It will come out of the taxpayers, but all of our red meats are inspected and I do not believe anybody would want to go back to the old system. I have heard described many times the system that was in vogue around Chicago and other places. I am not the oldest fellow here, perhaps, but I can remember in my country that maybe a farmer would have cholera hogs and would run to the market with them before they died and get them to the consumer. But today with Federal inspection of meats that has stopped. I feel we have a good bill, a well balanced bill. It is a question for the Members of the House to make up their minds whether they want the housewife to be able to buy poultry with some assurance she will get good clean poultry.

Mr. HARRISON of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Virginia.

Mr. HARRISON of Virginia. The processors organization, the poultry organization, have they indicated their position?

Mr. WATTS. Yes; I think they have.

Mr. HARRISON of Virginia. Do they favor the bill?

Mr. WATTS. We had nobody who opposed it.

Mr. HARRISON of Virginia. How about the farmers' associations?

Mr. WATTS. The American Farm Bureau, the Grange, and the Farmers Union are all strong for the legislation.

Mr. HARRISON of Virginia. They have favored the legislation?

Mr. WATTS. Yes.

Mr. HARRISON of Virginia. What about the feed people?

Mr. WATTS. I do not know whether we had any individual representatives of feed or not. They did not oppose it.

Mr. HARRISON of Virginia. What about the Department of Agriculture?

Mr. WATTS. They were very strong for it.

Mr. HARRISON of Virginia. What about the retailers that sell the birds to the public?

Mr. WATTS. Well, we had some representatives of some of their organizations and they were for it.

Mr. HARRISON of Virginia. What about the consumer organizations?

Mr. WATTS. The consumer groups were all for it.

Mr. HARRISON of Virginia. Then from the hatchery to the consumer, all of those organizations support the measure?

Mr. WATTS. We did not have a word against the bill.

Mr. HARRISON of Virginia. No appearance against the bill?

Mr. WATTS. Not a one.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Who selects the inspectors and what qualifications must they have?

Mr. WATTS. The Department of Agriculture will select the inspectors and they will prescribe reasonable qualifications.

Mr. HOFFMAN. The law does not prescribe the qualifications of the inspectors?

Mr. WATTS. No.

Mr. HOFFMAN. That is up to the Secretary of Agriculture?

Mr. WATTS. Yes.

Mr. HOFFMAN. The gentleman is still willing to trust this to the Department of Agriculture?

Mr. WATTS. Yes. The Department of Agriculture has for some 50 years carried out a compulsory red-meat inspection program which has been very successful in guarding the consumer against unwholesome red meat.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from North Carolina.

Mr. JONAS. How many processing plants are there in the United States?

Mr. WATTS. I have forgotten the exact figure, but there are quite a number of them.

Mr. JONAS. Is that information available? It is not in the report.

Mr. WATTS. I can put it in the RECORD for the gentleman.

Mr. JONAS. Do you have an approximate idea?

Mr. WATTS. I can probably get the information for the gentleman.

Mr. JONAS. What does the committee contemplate would be the number of inspectors that would be required?

Mr. WATTS. Of course, they have a voluntary system now that is inspecting about 30 percent of the poultry that goes on the market; as a matter of fact, I think they inspect about 67 percent of the turkeys that go in the market. It is a little bit difficult to say the exact number, because some of them are going to be folks who service 5 or 6 plants, if they are located in one community, or, if not, they might work for an hour a day.

Mr. JONAS. They could not service 2 or 3 or more plants at the same time, though, could they?

Mr. WATTS. No.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, H. R. 6814 is a bill to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry

This bill would require that all poultry and poultry products which are processed for sale in interstate or foreign commerce be inspected by the United States Department of Agriculture. The bill also provides authority for the Secretary of Agriculture, after public hearings, to designate major consuming areas in which all poultry processed and sold must be inspected under the authority of this act even though a proportion of this poultry is involved only in intrastate commerce. The designation of major consuming areas by the Secretary of Agriculture is authorized after receipt of application to designate such areas from appropriate governing officials or bodies or upon application by an appropriate local poultry-industry group in the area.

The bill contains authority for the Secretary to perform an antemortem inspection where and to the extent considered by him necessary, and requires a postmortem inspection of the carcass of each bird processed. The bill contains provisions relating to sanitation, facilities, and practices as are necessary to produce wholesome poultry.

The bill would prohibit the interstate sale of uninspected poultry and the interstate sale of poultry which has not been labeled in accordance with its provisions. It also would prohibit, first, the sale of any poultry product declared to be unwholesome or adulterated; second, the false making or issuing or altering or forging of official inspection marks, memorandums, and so forth; third, the use in commerce of a false or misleading label on poultry products; and, fourth, the delivering, receiving, transporting, selling, or offering for sale or transportation of poultry in so-called New York dressed form, except that the movement of such poultry in interstate commerce would be permitted when this poultry is destined for an official establishment where it will be processed into a poultry product.

All poultry products processed in official establishments operating under this bill would have to be processed in compliance with its requirements. The bill also provides appropriate penalties for noncompliance with its provisions.

The poultry inspection bill would become effective upon enactment, but would not require inspection until January 1, 1959. However, poultry processing plants may apply for and receive inspection under the provisions of this bill any time following January 1, 1958.

There are four exemptions provided for in this bill: First, an exemption to poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers, restaurants, hotels or boarding houses; second, an exemption for retail dealers with respect to poultry products sold directly to consumers in individual retail stores providing that the only processing operation performed by such retailers is the cutting up of poultry; third, authority for the Secretary to exempt processors until July 1, 1960, when he determines that it would be impracticable to provide inspection and the exemption would aid in the effective ad-

ministration of the act; and fourth, exemptions may be made as necessary to comply with recognized religious dietary laws.

Imports of poultry would be required to meet the same standards of wholesomeness as would be provided for domestically produced poultry.

The cost of inspection would be borne by Federal appropriations, except the cost of overtime.

This proposed legislation would provide the poultry meat industry with compulsory inspection on a basis similar to that which has been in effect for the red meat industry for better than 50 years. The only inspection for poultry at the present time and until this bill is enacted is provided in a voluntary program administered by the Department of Agriculture under the authority of the Agricultural Marketing Act of 1946. The poultry industry has demonstrated broad interest in providing consumers with wholesome poultry through the use of this voluntary service. I am told that this service program has met with increasing acceptance over recent years, to the point where now approximately 320 poultry processing plants operate under this service and process approximately 27 percent of the poultry which is sold off farms.

This legislation was developed after extensive House and Senate hearings in the 2d session of the 84th Congress and in the present session of the 85th Congress. At the hearings on H. R. 6814, approximately 80 different groups and individuals appeared, all of them in support of this legislation. These groups represented all of the national farm organizations; all of the regional and national poultry organizations representing both producer groups and marketing groups; representatives of public health groups and representatives of consumer groups. There were no representatives at any of the hearings in opposition to this legislation.

Estimated cost of poultry inspection bill: First year, \$3,535,000; second year, \$7,750,000; third year, \$10 million.

Mr. Chairman, I yield such time as he may desire to the gentleman from Connecticut [Mr. MORANO].

Mr. MORANO. Mr. Chairman, it has long seemed to me to be an anachronism that we have had compulsory meat inspection, but we have had no mandatory inspection for poultry. Yet poultry is an everyday food item. It is on my family's dinner table every week. And I am certain it is on the dinner tables of millions of other Americans often.

There is no reason why poultry should not be a popular food. It is nutritious, tasty, and inexpensive. However, there is also no reason why the consumer who buys poultry in good faith should not be guaranteed to the maximum degree possible that the bird is of good quality and has been processed in a clean environment.

The United States Public Health Service blames poultry for an average of one-third of the food poisoning cases reported each year. Part of this abnormally high figure is due to spoilage, which no inspection can correct. But a

good proportion—in fact the majority of food poisoning cases—will be prevented by the compulsory inspection for wholesomeness and cleanliness.

I am also greatly concerned about the health of poultry workers. During the hearings of the Committee on Agriculture, testimony was presented demonstrating the transmittal of poultry diseases to men and women in the poultry processing plant. The most dramatic of these illnesses is psittacosis, which in 1956 caused the deaths of 3 men and illness among 133 others.

Mr. Chairman, I believe it is high time for Congress to enact a mandatory poultry inspection law. Such a law is needed by consumers, farmers, processors, and workers.

I want to commend the Committee on Agriculture, and especially its Poultry and Egg Subcommittee, for their great work in developing this legislation. I would have liked to see the committee report a bill with stronger consumer-protective provisions. However, the committee has had to take a course designed to accommodate the many viewpoints which came before it, and I believe it has done that well.

H. R. 6814 may not be as strong as some of us would have liked. But, as it is written now, it has sufficient consumer-protective features to allow a good compulsory poultry inspection to be instituted.

I urge my colleagues to approve H. R. 6814 without any weakening amendments.

Mr. WATTS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ANFUSO].

Mr. ANFUSO. Mr. Chairman, the House of Representatives will today be able to close one of the most dangerous loopholes in our food laws. By enacting H. R. 6814, we will be able to assure the consumer that poultry in interstate commerce and in designated areas will be free of filth and disease.

Unfortunately, that is not true today. The overwhelming majority of poultry processors do their utmost to put good quality poultry on the market. And they improve their plants, so that the maximum of sanitation is achieved. But some processors put profit above their responsibility to the public. It is these processors who make poultry inspection legislation necessary as protection not only to the consumer but also to the honest, responsible processors.

To demonstrate what we are trying to prevent, let me read to you excerpts from three of many affidavits taken from poultry workers. One affidavit states:

When packing, there would be hundreds of chickens every day coming into the packing room that would be bruised, have sores on them, and the chest cavity would be covered with pus. Sometimes the skins of the chickens would have sores (sores that would have openings with hard gristly ring around them, others that would have scabs over the sores, and others with red pimples that looked like chicken pox), so that I would have to take the entire skin off. Some of the sores could be cut off. After taking the skin off or cutting the sores off, I would

pack them in boxes and see them loaded on trucks to be taken to market.

Another poultry worker says in an affidavit:

We killed some (chickens) on the line that were already dead, that is, we would attempt to kill them. The reason that I knew these chickens were already dead was because they would fall entirely to bleed when I cut their throats. I have killed some chickens which seemed to be affected by some kind of disease because streams of fluid and pus would be running out of their beaks and mouths.

A woman working in a poultry plant states in an affidavit:

When splitting many of these chickens, pus spurted out. This caused me to vomit on several occasions. It was a vile and sickening odor coming from the insides of the chicken. Some days we would run chickens all day long that would be sick. Many of the chickens would be full of worms, long stiff wiry worms.

I apologize to my colleagues for bringing up these sickening facts. But I believe we should have a clear picture what we are legislating about.

These conditions exist in some processing plants throughout the country. They are a danger to the consumer, to the workers in the plant and to the overwhelming majority of processors.

In both the 84th and the 85th Congress, I introduced legislation to do something about this situation. These were bills for compulsory poultry inspection. As a member of the Poultry and Egg Subcommittee of the Committee on Agriculture, I took part in the hearings on this legislation both in this and in the last Congress. My experience with this legislation makes me certain that compulsory poultry inspection is one of the greatest legislative needs of consumers today.

Frankly, I preferred my bill, H. R. 5403. I thought it would provide greater consumer protection. But in H. R. 6814, the subcommittee has written a clean bill which provides adequate protection to the consumer. It is a good and meaningful compromise between the various bills which were before the committee and I want to congratulate the author, the distinguished chairman of the subcommittee for his patience and fairness in all of the deliberations of the committee.

I urge that the House approve H. R. 6814 today. We must do so without any weakening amendments. This measure is already a compromise. If attempts are made to weaken it, then attempts must also be made to strengthen it.

We have a meaningful compromise now. If that compromise bill were weakened, we would be betraying the consumer. I, for one, will not be a party to that. I believe we would then have to reconsider the sections on ante-mortem inspection, State inspection programs, agencies carrying out the inspection, and other provisions.

Instead of this, I urge that we enact H. R. 6814, as reported by an overwhelming vote from the Committee on Agriculture. The consumer needs this protection now and we must provide it now.

(Mr. ANFUSO asked and was given permission to revise and extend his remarks.)

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. KEATING].

(Mr. KEATING asked and was given permission to extend his remarks at this point in the Record.)

Mr. KEATING. Mr. Chairman, H. R. 6814 is a sound and progressive legislative step which will provide needed protection for the consuming public, and will at the same time protect the good name of one of our finest agricultural groups, the poultry industry. There is no sound reason why poultry should be exempt from Federal inspection to which meat is subject.

This bill has the support of the Department of Agriculture and the Department of Health, Education, and Welfare—the two Federal agencies most directly concerned. It is also backed by all major farm organizations, as well as consumer groups, health officials, professional societies, and labor unions.

This morning I received a telegram from Stanley B. Smith, secretary of the New York State Poultry Council, urging support of H. R. 6814, and indicating it has the backing of the poultry industry.

It is gratifying to note the strong support for this measure among those who will be regulated, indicating clearly their good motives and willingness to serve the public in the best possible manner.

Mr. Chairman, I urge passage of H. R. 6814. Its enactment will provide added insurance for the happy and healthy tomorrow all Americans want.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. DIXON].

Mr. DIXON. Mr. Chairman, the processors of poultry as well as the producers are to be complimented on taking the initiative in this movement. It is not just the consumers who have made a universal demand for compulsory inspection. It is the processors and the producers as well who want it. They all realize the situation. I certainly congratulate the processors for asking for this improvement as well as the producers, because it is in the interest of public welfare.

Mr. SEELY-BROWN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Connecticut.

Mr. SEELY-BROWN. Is it not also true that this legislation may in fact result in an increase in the consumption of poultry products by the public?

Mr. DIXON. Definitely. The question was, Will this result in an increased consumption of poultry? I believe the voluntary inspection program is to a considerable extent responsible for doubling the consumption of poultry since 1939. That is the best way to sell poultry, to have the housewife know that her food is clean, sanitary, and free from disease.

With regard to the question about the charge that inspection is impossible for so many small plants. I also have a letter from the Department of Agriculture in which they claim that they can provide this inspection and will be compelled to wherever it is necessary. Of course this bill is largely for poultry

going into interstate commerce. The USDA testified before our committee that they used the inspectors frequently. All inspectors do not need to be veterinarians. The USDA also showed us that they have veterinarians employed on an hourly basis in nearly all sections of the country. They testified that they can meet this demand for qualified inspectors.

Of course the bill cannot become operative all at once. It will not become compulsory, as I understand, until 1959. As fast as the processors and poultry people themselves want to have the inspection they can ask for it, even before, any time now.

That brings me to the next commendable thing, and that is this voluntary poultry inspection movement paid by the processors and operated by USDA. In 1951 there were only 145 plants that had voluntary inspection. Now we have more than double that number which process now 28 percent of all poultry.

The testimony was uniform all through our hearings day after day that inspection is the finest thing that ever happened for the poultry grower himself as well as for the consumer; furthermore, that the United States Department of Agriculture has done a magnificent job in this voluntary inspection program. The Farmers Union, the Farm Bureau, the Grange, all of the organizations testified they were very much pleased with the voluntary inspection program as it has gone along. So this is not new, because the USDA voluntary inspection has paved the way.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield.

Mr. REECE of Tennessee. If the voluntary program has been successful and the Department of Agriculture has done a good job of helping promote voluntary inspection, then why should it not be desirable to do as was originally contemplated, authorize the Department of Agriculture to install such inspection as in the Department's judgment would be necessary to safeguard the health of the people in all respects.

Mr. DIXON. Because there is universal demand on the part of the consumers for some protection. We have compulsory inspection of the red meats. Compulsory inspection has proved so indispensable for the red meats. Everybody wants it now for poultry. This is just the response to a universal demand for the same protection for poultry that we get for red meats.

Mr. REECE of Tennessee. There is a big difference between inspecting a 1200-pound steer carcass and a 2¼-pound fryer carcass. The inspection for the beef does not run to safeguard the health so much as it does to determine the quality of the beef so that the housewife will know the grade of beef she is buying when she buys it, being unschooled in many instances in how to determine the grade.

Mr. DIXON. I think it involves, too, health, because we have trichinosis in pork and inspection for that. We would not be without that inspection for anything in the world. There are

26 poultry diseases that are communicable to individuals.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield.

Mr. SANTANGELO. I am in favor of the principle of this bill, but I am a little disturbed about it. As a young man I worked in a poultry market. I used to kill and clean chickens. I wonder whether under the terms of this bill inspectors will be assigned to the retail poultry markets. For example, in the city of New York which is a large consuming area, if inspectors are assigned to every retail poultry market, you would have a tremendous number of inspectors assigned to the retail markets selling poultry and they would be working from Monday through Saturday from 9 o'clock in the morning to about 8 o'clock at night.

Mr. WATTS. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to my honored chairman.

Mr. WATTS. The bill does not provide any type of inspection at a retail plant. It provides for inspection only in the processing plants.

Mr. SANTANGELO. As I read the provisions with regard to exemptions, it seems to me it applies to retail plants and that is why I am disturbed about it. The bill says that no such exemptions shall continue in effect beyond 1960.

Mr. WATTS. The exemption that you are talking about has to do with the cutting up of poultry and not with reference to a retail store.

Mr. SANTANGELO. That is another exemption. I am talking about the other exemption which the bill says shall not go beyond a certain date.

Mr. WATTS. There are three exemptions set out.

Mr. SANTANGELO. One exemption applies to where they cut up the poultry. Another applies to where they are selling processed poultry. Now a retail place which sells poultry in the city of New York, which is a large consuming area, would be processing and slaughtering poultry from morning until night from Monday through Saturday and if the bill provides for the assignment of an inspector to these little retail places in the city of New York you are going to have the Federal Government in every place and you would have a situation which would be very difficult to tolerate. If there is an exemption in such a case and the bill does not apply to that, I think the bill is a very good bill. I would like to be assured that this does not apply to each and every retail plant requiring an inspector to be there from Monday morning to Saturday night.

Mr. WATTS. I can give the gentleman that assurance.

Mr. SANTANGELO. I thank the gentleman.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maine [Mr. McINTIRE].

Mr. McINTIRE. Mr. Chairman, this legislation is presented to the House of Representatives after careful consideration by the Poultry Subcommittee of the

House Committee on Agriculture and the full Committee on Agriculture.

Legislation dealing with this subject matter—the compulsory inspection of poultry—was introduced in the 84th Congress, and although it was considered by the appropriate committees of both bodies, no legislation was enacted during that congressional session.

At the inception of the 85th Congress, bills relating to the subject of compulsory inspection of poultry were introduced by numerous members of the House of Representatives, myself included. It is my opinion that full and adequate hearings were conducted by the subcommittee considering these bills, and I wish to commend my able colleague from Kentucky, the chairman of the subcommittee on poultry and eggs, for the thorough and objective manner in which this legislation was considered. After due discussion within the subcommittee and consideration of suggested amendments, a clean bill was drafted by the subcommittee chairman, considered by the full Committee on Agriculture, and referred to the House of Representatives for consideration today. It is my considered opinion that this bill has merit, and I urge its approval.

Mr. SEELY-BROWN. Mr. Chairman, will the gentleman yield?

Mr. McINTIRE. I yield.

Mr. SEELY-BROWN. The gentleman is very familiar with the problems which the New England poultry producers face. Does he see anything in this legislation which would be harmful either to the poultry producers or to the small cooperative processing plants who find their problems already difficult? Does this add a new problem to their operation?

Mr. McINTIRE. I may say to the gentleman it is my considered opinion that this bill will not seriously inconvenience the small processor in the areas with which we are both familiar, and that the inspection service will be made available to him on a basis which will be flexible enough to meet his usual production schedule through his processing plant. It may be pointed out that this bill deals only with processors, and the idea that it creates a problem to the producer is far out of the proper perspective of the bill.

Mr. HOFFMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Evidently no quorum is present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 135]

Abbutt	Bray	Davis, Tenn.
Adair	Brownson	Dawson, Ill.
Allen, Calif.	Buckley	Delaney
Anderson,	Byrne, Ill.	Dennison
Mont.	Byrne, Pa.	Derounian
Ashley	Cederberg	Diggs
Barden	Chamberlain	Donohue
Barrett	Chelf	Dorn, N. Y.
Bass, N. H.	Chiperfield	Eberharter
Baumhart	Christopher	Engle
Beamer	Chudoff	Fallon
Bentley	Colmer	Fogarty
Blitch	Coudert	Fulton
Bonner	Cunningham,	Granahan
Bowler	Nebr.	Green, Pa.
Boyle	Curtis, Mass.	Gregory

Hardy	Mailhard
Harvey	Meader
Hays, Ohio	Miller, N. Y.
Healey	Minshall
Hillings	O'Konski
Holtzman	O'Neill
Ikard	Ostertag
Jennings	Philbin
Jones, Mo.	Polk
Kearney	Powell
Kearns	Prouty
Keeney	Radwan
Kelly, N. Y.	Rains
Kilburn	Riehman
Kluczynski	Robeson, Va.
McConnell	Saund

Shelley
Smith, Kans.
Smith, Miss.
Springer
Taylor
Teller
Thompson, La.
Thornberry
Tuck
Widnall
Willis
Wilson, Ind.
Winstead
Withrow
Younger

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'BRIEN of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6814) and finding itself without a quorum, he had directed the roll to be called, when 337 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McINTIRE. Mr. Chairman, it should be said that a sincere effort was made to enable all parties having an interest in this legislation to be heard. As the record reveals, there were more than 70 witnesses who presented either testimony or statements. Testimony and/or statements were presented by 34 groups representing the poultry industry, 16 health officers, 12 representatives of labor unions, 6 general consumer organizations, representatives, and members of the major farm organizations—all of these supported some type of compulsory poultry inspection. Too, the Department of Agriculture and the Department of Health, Education, and Welfare have indicated their support of this legislation now before us.

H. R. 6814 is a compromise bill in many respects, differing only mildly with S. 1747, the Senate poultry bill passed by that body on April 8 of this year. H. R. 6814 does not thoroughly satisfy the interests of all parties advocating mandatory poultry inspection legislation—it does not fully accomplish all that has been requested by the labor unions; it does not entirely satisfy the representatives who spoke in behalf of the health groups; and it does not attain all of the objectives endorsed by the poultry producers. However, it does have eminently favorable features, for it is a timely piece of legislation that will aid—through a comprehensive and standardized program of inspection—in the progressive development of the poultry industry. It would also assure the consuming public that the poultry offered on the market would be wholesome in nature, having been processed in plants meeting uniform and high grade standards of sanitation.

I wish to pay tribute to poultry producers and processors, together with governmental agencies at the Federal and State level, for the excellent job that they have done in bringing to the American people very fine poultry products. I believe that this legislation will prove an assist in doing an even better job in providing palatable poultry, and that it

will add confidence to the consuming public's interest in a food item which, because of its delicious nature, has today become a popular food requirement in our everyday diet.

I say "everyday diet" because chicken is no longer just a Sunday dinner, nor is turkey just for Thanksgiving and Christmas. Inasmuch as poultry has become so universally used—because of its perishable nature—handled fresh, I believe the time has come, as it did with red meats, for the public interest to be recognized—this to be accomplished through the establishment of high standards of sanitation and wholesomeness that are maintained through a program of compulsory inspection.

It is interesting to note that per capita consumption of poultry has grown from 22 pounds in 1940 to nearly 40 pounds in 1956, and production of poultry meat has now reached 6.6 billion pounds. With the development of refrigeration, frozen and precooked foods, and ready-to-cook packaging, the consumption and production of poultry meat has progressed very rapidly.

In effect, this is a very competitive industry today, one which often operates on very slim margins, and in the industry there are the careless and the unscrupulous. Many of these weaknesses presently evident in the industry can, in large degree, be substantially corrected or eliminated through an inspection system that requires sanitary facilities that will process only wholesome birds.

The Voluntary Poultry Grading and Inspection Service was started by the Poultry Branch of the Agricultural Marketing Service, under authority of the Agricultural Marketing Act of 1946. Under this provision it has been possible for a poultry processor to enter into agreement with the Poultry Branch of the Department of Agriculture and receive inspection, providing his plant is designed to meet requirements, and the processor pays all costs associated with this service. Two States—Maine and North Dakota—worked out Federal-State agreements for this service to processors in those States, and the processors pay the full cost of inspection service. At the present time, 28 percent of all classes of poultry are inspected at processing, and 68 percent of all turkeys.

At this point, I would like to commend the Maine poultry processors for the fine work they have done under this program, and for the high standards they have established for processing plants and for birds processed for market.

The poultry industry is now substantial in practically every State in the Union. The 10 leading States in 1956, in broiler production, were Georgia, Texas, Arkansas, North Carolina, Delaware, Alabama, Maryland, Virginia, California, and Maine, in that order. The 10 leading States in 1956 in the production of farm chickens were Iowa, Minnesota, Illinois, California, Missouri, Pennsylvania, Indiana, Wisconsin, Ohio, and Texas, in that order. The 10 leading States in turkey production in 1956 were California, Minnesota, Virginia, Iowa, Texas, Ohio, Missouri, Utah, Wisconsin, and Arkansas, in that order.

This legislation is of particular importance to the aforementioned States. It is also important to all other States where poultry is processed, because the inspection required will be applicable to processors that sell in interstate commerce and in intrastate commerce, where designated areas are involved.

You have had the separate provisions of the bill presented to you by previous speakers, and in consideration of the fact that the committee staff has prepared a very thorough and concise report on the bill, I would like to point out briefly the requirements of H. R. 6814:

(a) Compulsory Federal inspection on all poultry and poultry products moving in interstate commerce and in major intrastate consuming areas.

(b) This is not a poultry grading bill, and it does not apply in any manner to the handling, shipment, or sale of live poultry; nor does it apply in any manner to the processing or sale of eggs or egg products or game birds.

(c) The legislation requires post mortem bird by bird inspection and ante mortem inspection, as the Secretary deems necessary.

(d) Sanitary practices are required by regulations of the Secretary.

(e) Labeling requirements are established.

(f) Penalties are established.

(g) Exemptions are provided.

(h) Provisions are made to enable the Secretary to cooperate with States in respect to inspection service and standards.

(i) Inspection costs are borne by the Federal Government through general appropriations.

It is my considered opinion that the marketing of poultry as a fresh meat product has attained proportions which—in the public interest—demand an inspection designed to assure uniform standards of wholesomeness; that any associated costs should—because they are in the public interest—be at public expense. Because this bill, in large measure, achieves these objectives, I sincerely believe it has merit.

I would like to add just one or two other points. One is to reemphasize that this bill does not apply to the producers. It applies to the processors. The question was asked—how many additional plants would be brought under inspection. May I add for the record and for the information of the Committee that approximately 700 additional plants would be brought under inspection as soon as they qualify under the inspection requirements.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McINTIRE. I yield.

Mr. HALLECK. Does that include the little processing plants which I know exist in my district? Does the Department know how many of them are out there?

Mr. McINTIRE. This figure was obtained from the Department of Agriculture, I will say to the gentleman from Indiana.

Mr. HALLECK. I feel constrained to say that if little processing plants such

as are in my district are found in other places in the country, then that number, if they are to be inspected, and the gentleman has said that it would be provided to cover them, then the number will be many more than 700.

Mr. McINTIRE. This figure is one which I obtained from the Department and I base my statement on their information.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. McINTIRE. I yield.

Mr. COOLEY. It is contemplated by this program that if the Secretary cannot provide the necessary inspectors to carry out the program, he is authorized to exempt the little poultry slaughterhouses; is that not true?

Mr. McINTIRE. That is true, during the period in which the program is being built up for its full application.

Mr. COOLEY. And we think we have allowed sufficient time in the law to put the program into operation without causing any undue hardships.

Mr. McINTIRE. I might say to my chairman that that point was given very careful consideration by the subcommittee and the full committee, as the chairman will recall, and in consultation with the Department. We believe the effective date of this act is very fair.

Mr. COOLEY. The charge has been made that it is the purpose of this act to put the small producer out of business. I am sure the gentleman will agree with me that that is not the purpose of the law and no member of the committee had that in mind at the time we reported this bill.

Mr. McINTIRE. I would like to reply with reference to that point that as one member of this subcommittee that factor has been given very close consideration. I think we have endeavored, and quite successfully, to draft legislation which certainly did not have that objective as its purpose. We have done a diligent job to make sure that it does not work that way.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. McINTIRE asked and was given permission to revise and extend his remarks.)

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. SCHWENGEL].

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Chairman, it is strange that a people as health conscious as we Americans are, have not yet provided for compulsory inspection of poultry.

Poultry is one of our major foods. More than 6 billion pounds of it are consumed in the United States each year—enough for 35 pounds for every man, woman, and child. And yet there are no adequate and compulsory safeguards concerning this food for the consumer.

This is despite the fact that veterinarians have testified before the Committee on Agriculture that 26 diseases are transmissible from poultry to man.

Some of these diseases cause extreme illness and even death.

While much of food poisoning comes from improper handling of foods, the United States Public Health Service reports that in 1956 nearly 36 percent of the cases of food poisoning reported to it were caused by poultry or poultry products. This is extremely high—far higher than for any other food.

Mr. Chairman, I believe these statistics are alarming. I know that the responsible sections of the poultry industry—and that is the overwhelming majority of the industry—is doing all it can to prevent these dangers. Many firms in the industry even pay for an inspection program to assure the consumer clean and wholesome poultry.

But the majority of the industry cannot control the few who, in order to make a "fast buck," will put diseased and filthy poultry on the market. The consumer must be protected against these unscrupulous operators.

The best means of doing this is through a system of compulsory poultry inspection. Fifty years ago, the Nation learned that a good Federal inspection program could make the jungle which was then the meat industry into an excellent provider of a tasty, nutritious, and wholesome food.

We can assure the consumer the same type of protection with poultry by approving H. R. 6814 today. Enactment of this measure is an immediate and pressing necessity.

Mr. WATTS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON. Mr. Chairman, I wish to speak briefly in support of H. R. 6814, a bill to provide for the inspection of poultry and poultry products so as to prevent the movement in interstate or foreign commerce of poultry products which are unwholesome or otherwise unfit for human food. I think we can all agree with the purpose of the bill as set forth in the declaration of policy as most desirable and vital to the well-being of the consumer and producer.

It is not many years ago that the production of poultry was a sideline affair, and the consumption of poultry was more or less restricted to holidays and special occasions. That is no longer true. The production of poultry has become one of the major industries of this country, and consumption of poultry has increased by leaps and bounds to a point where 6.4 billion pounds of poultry were consumed last year as compared with 2.1 billion pounds in 1920. In this 46-year period, the consumption of poultry in this country has tripled while the consumption of red meat has just about doubled.

Yet the inspection of red meat has been in force since 1906 while poultry, at the present time, is still on a voluntary inspection basis with many areas of the country having no inspection at all.

In the 84th Congress, numerous versions of the mandatory inspection bill were introduced in both House and Senate. The Senate held hearings early in the second session of the 84th Congress, but the House held no hearings until July of 1956, close to the time of adjour-

ment. At that time there was no unanimity of opinion among the various people concerned. And because unanimity could not be reached, it was decided to discuss the subject further and schedule hearings in the next session of Congress.

Early in March of this year, the House Agriculture Committee held further hearings and there were many bills before the committee. After the hearings were completed, H. R. 6814, the bill under discussion today, was introduced and passed out by the subcommittee. It is a compromise bill between the views of consumers, public health personnel, the Department of Agriculture, labor unions in the poultry field on one hand, and the poultry industry groups on the other hand. Although all groups agreed on the need for adequate inspection to protect consumers and laborers in the processing plants, while at the same time not burdening the processor with extraordinary expense and redtape, there were many diverse points of view on how to achieve such an inspection program.

In the 83d Congress, there was one group which wanted the inspection functions vested in the Pure Food and Drug Administration of the Department of Health, Education, and Welfare. Another group thought they should be vested in the red-meat inspection branch of the Agricultural Research Service of the Department of Agriculture, which has handled red-meat inspection for 51 years. A third group thought it should be placed with the Poultry Division of the Agricultural Marketing Service, which has handled the voluntary inspection program for poultry for 30 years. When the House Agriculture Committee considered the matter this session, there were only two schools of thought.

One wanted the inspection performed by the Red-Meat Division of the Department of Agriculture and the other group thought it should be performed by the Poultry Division of the Agricultural Marketing Service. There were strong arguments for both positions.

H. R. 6814 places the inspection with the Department of Agriculture, but leaves it to the discretion of the Secretary of Agriculture whether the responsibility for poultry inspection shall be placed with the Red Meat Division or the Poultry Division of the Agricultural Marketing Service. If the Secretary of Agriculture decided to place this responsibility with the Marketing Service and, after a trial period, finds that it should be with the Red Meat Division, he has the authority to transfer the function.

Another point of disagreement was the question of antemortem inspection of each bird. One group felt that each bird should have antemortem inspection prior to slaughter, while another group thought the only inspection necessary was post mortem. H. R. 6814 provides for post mortem inspection of each bird and leaves it to the discretion of the Secretary of Agriculture to use antemortem inspection whenever he considers it necessary. This authority can be delegated to the individual inspector in the field, and if there are areas where antemortem inspections become necessary, they can be invoked.

The third point of disagreement between the various groups was the effective date of compliance under the mandatory inspection program. Only 35 percent of the poultry consumed at this time is subject to voluntary Federal inspection. Many processing plants will have to make necessary changes in order to come under the law. H. R. 6814 allows ample time for the poultry industry to get ready for inspection by making inspection available to plants which request it by January 1, 1958, and extending the time for mandatory inspection to January 1, 1959.

The fourth point of disagreement had to do with the enforcement of the act. One group advocated language which would require the Department of Agriculture to prove that a processor knowingly violates the law. The testimony of the representative of the Poultry Inspection Division was that this would make the law practically unenforceable, and he also stated that, in the many years voluntary poultry inspection has been in effect, violations have been very minor. H. R. 6814 compromises these points of difference by giving a reduced penalty for the first offense and dropping the word "knowingly" in the enforcing clause. Strong enforcement penalties are provided after the first offense. The objective of the poultry-inspection bill is to protect the consumer and the worker in the plant from unfit and diseased poultry and to protect the producer and processor from an unworkable inspection program that might drive them out of business.

To show the committee that various groups which have been at crossed points at the hearings now express their endorsement of H. R. 6814, I would like to state that a processor and turkey grower in my district who was one of the first to testify before the committee at that time strongly advocated the use of the word "knowingly" and was opposed to ante mortem inspection. He now favors H. R. 6814. I would also like to read you a letter from a processor in my district who endorses the provisions now contained in H. R. 6814.

WISCONSIN PRODUCE, INC.,
Eleva, Wis., March 4, 1957.

Congressman LESTER JOHNSON,
House Office Building,
Washington, D. C.

HONORABLE SIR: I am writing in regard to the mandatory poultry-inspection bill now up before Congress. There are several points which I feel should be included in this bill if small processors like ourselves are to survive.

First, the law should leave the inspection program in the hands of the Secretary of Agriculture. This will allow the Poultry Branch to function as it has in the past.

Second, the decision as to the use of ante mortem inspection should be left to the discretion of the Secretary of Agriculture and his advisers. Under no circumstances should it be legislated into law.

Third, a reasonable date for compliance should be allowed. The bill should not become effective before January 1, 1958.

We in the poultry industry realize the necessity for producing quality products; however, a costly or unworkable inspection program will sound the death knell for small processors like ourselves.

I sincerely hope you will do your utmost to include in any inspection program passed the three points listed above.

Sincerely yours,

WILLIAM J. WERNERSBACH,
General Manager.

I should also like to read you a letter from the Amalgamated Meat Cutters and Butcher Workmen of North America who were opposed to the stand taken by producers and processors at the time of the hearings and who now endorse H. R. 6814.

AMALGAMATED MEAT CUTTERS
AND BUTCHER WORKMEN
OF NORTH AMERICA,
Chicago, Ill., June 5, 1957.

The Honorable LESTER R. JOHNSON,
Member of Congress, United States
House of Representatives, Washing-
ton, D. C.

DEAR CONGRESSMAN JOHNSON: During the past 3 years, we, on behalf of our union, have been writing to Members of Congress urging the enactment of legislation to provide the compulsory inspection of poultry. We have pointed out that the lack of inspection to guarantee wholesomeness and cleanliness posed serious dangers to consumers and poultry workers. A similar inspection program, as our organization suggested for poultry, has been in effect for red meats for more than half a century to the very great benefit of the entire Nation.

We are very happy to be able to say that the House of Representatives will soon vote on a compulsory inspection bill. The Senate has already passed such a measure.

The Committee on Agriculture recently reported H. R. 6814. This bill is a compromise between the views of the consumer, public health, women and labor groups on the one hand and poultry industry groups on the other. Quite frankly, H. R. 6814 does not have all the points we and other groups believed necessary, but we consider this bill to be a good compromise. This fact, and the great, immediate need for this legislation leads us to support H. R. 6814.

We respectfully urge that you support H. R. 6814 when it comes to the floor of the House of Representatives for a vote. It is very important consumer-protective and worker-protective legislation. It will provide the safeguards which groups, like our union, have so long sought against filth and disease in poultry processing.

Very truly yours,

EARL W. JIMERSON,
President.

PATRICK E. GORMAN,
Secretary-Treasurer.

(Mr. JOHNSON asked and was given permission to revise and extend his remarks.)

Mr. WATTS. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Minnesota [Mrs. KNUTSON].

(Mrs. KNUTSON asked and was given permission to revise and extend her remarks.)

Mrs. KNUTSON. Mr. Chairman, the legislation we are considering today will have a direct effect on virtually every household in America.

Our action today on compulsory poultry inspection, will decide whether housewives can go into the market with almost complete assurance that the poultry they buy is good and healthful for their families.

I have heard a number of the gentlemen here say that compulsory poultry inspection legislation is long overdue.

Let me assure them that to the housewife this is a great understatement. The homemaker has believed—and many still do—that all poultry is now inspected for wholesomeness and sanitation. She believed that this is a natural consequence of meat inspection.

I know that I was surprised and shocked when I discovered that only a fraction of our poultry is currently being inspected and that the processor had to request and pay for this program.

Congress must provide the homemaker with what she has long thought we had already given her—a protective inspection program, which will allow only wholesome, clean and unadulterated poultry to come to the market. The homemaker has a right to this protection.

Decades ago, most of us bought our poultry live from a farmer. We would see the bird before slaughter. We would clean and prepare it ourselves. We had no complete guaranty against disease, but we had some idea of the health of the bird. And we definitely knew that the poultry was sanitarily processed.

Today, with the labor-saving processing operations, we no longer have these safeguards. We buy our poultry in a grocery store or supermarket already processed, and perhaps even cut up into parts. We have no idea of its condition nor how it was processed.

The looks of the poultry offers us no indication of its quality, for the processor who wants to sell unfit birds—and there are fortunately few such processors—know tricks to fool the unsuspecting housewife. A diseased bird can be made to look as much like a tempting morsel as a wholesome bird.

The housewife now needs the protection of experts. Under a compulsory poultry inspection program, as provided in H. R. 6814, the Department of Agriculture will put trained inspectors in each processing plant whenever poultry is being slaughtered and prepared. He will inspect a flock, coop or batch of poultry before slaughter and each carcass after slaughter. He will make certain that processing plant, facilities, and operations are clean and will not lead to any adulteration.

That is the type of protection the housewife needs. That is the type of protection she must have.

Since discovering the absence of any compulsory poultry inspection, I have not bought any poultry which did not bear the stamp of the Department of Agriculture's voluntary inspection program. I look forward to the day soon when I do not have to search carefully for that stamp—the day when all poultry sold in interstate commerce and in major consuming areas will be federally inspected, in accordance with law.

I appeal to the members of the House of Representatives to make certain that that day will come on January 1, 1959. We can do this by approving H. R. 6814 today.

Mr. WATTS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, I have been working for more than 3 years

for the enactment of a compulsory poultry inspection bill, and while the bill now before us is not the perfect bill—while it does not quite dot every "i" or cross every "t"—nevertheless I am happy to say that I can go along with it. If properly administered—if it is administered with the same spirit which motivates the Department of Agriculture in administering the Meat Inspection Act—then I am sure it will protect the consumer fully, and we can foresee an end to these constantly recurring incidents of widespread infection, outbreaks of disease and epidemics attributable to bad or diseased or unwholesome poultry.

Perhaps it may still come as a surprise to some Members to know that at the present time, there is no assurance that when you go into the stores to buy poultry you are not being sold diseased or unwholesome poultry. If the poultry bears a stamp on it which says it has been inspected for wholesomeness by the United States Department of Agriculture—and only about a fourth of all the poultry sold bears such a stamp—then you know it is all right. But the present program under which poultry is inspected is a voluntary one, and not effective enough.

At present, the processing plant can subscribe to this inspection program if it wants to—and if it is willing to pay the cost of having the inspectors sent in by the Federal Government. And if some of the poultry in an inspected plant does not pass inspection, then, it can be sold anyway—although of course without the Federal stamp on it. But it can still be sold. Furthermore, most poultry now being sold is not inspected at all.

Obviously, this does not protect the consumer. As a result, the American public—which each year buys more than 6 billion pounds of poultry—has been victimized by being sold a lot of diseased, filthy, contaminated, unwholesome, unfit poultry, processed under unspeakable conditions, and sent out in the channels of trade to poison the unwary purchaser.

It is time that we put a stop to such shameful practices. This bill, I believe, will do that.

It will require processors selling poultry in interstate commerce to have their poultry inspected and approved, just as every meat packing plant for the past 51 years, under the Meat Inspection Act, has had to have every carcass inspected and approved before it can be shipped in interstate commerce.

Furthermore—and this is not in the Meat Inspection Act but will apply only to poultry—in consumer centers, such as the major cities, all poultry coming into such an area, both interstate and intrastate, will have to be inspected and approved under this bill certain conditions. That is, if the locality asks to come under the program and if the Secretary of Agriculture finds that the intrastate poultry sales into that city have an effect on or burden interstate commerce. This is not a new provision of law as it involves the concept of interstate commerce, but it is new in connection with any form of meat inspection legislation.

I might add that this provision was inserted primarily at the request of processors engaged in interstate commerce, so as to prevent unfair competition in the major city markets from producers within the same States. As long as the consequence of this is to provide more protection for the consumer, I am quite willing to accept and support this idea.

Now let me explain how the need for this poultry legislation has arisen. One might ask why we suddenly need poultry inspection laws when we have managed to get along for 51 years since the passage of the Meat Inspection Act without having poultry included along with the red meats—beef, pork, lamb—under a compulsory inspection system.

There are two answers to that question. One is that until food technology and refrigeration engineering made possible freezing and nationwide distribution of poultry by big firms, you usually bought a chicken or turkey raised not far from where you lived, and sold by a farmer from his truck or sold by a neighborhood storekeeper whom you knew had a good reliable supplier from a nearby farm.

But in recent years, poultry has gone bigtime and big business. The small farmer is not a factor. As a matter of fact, under this bill, the farmer can still raise his chickens and take them to town and sell them directly to the housewife without having to worry about inspection. But when you buy his poultry you know where that chicken comes from.

But most poultry sold in this country comes from major producing centers, from big processors who buy up or own whole flocks, and who may take this poultry and cut it up, freeze it, and send it half way or all the way across the country. Much of the poultry sold in St. Louis comes from Georgia. Georgia poultry, incidentally, also goes to California.

I am not picking on Georgia. I use the illustration only for geographical explanation. If I buy a Georgia-produced chicken in my St. Louis neighborhood store, or one from Illinois or Pennsylvania or anywhere else; however, I think I have a right as a consumer to expect that it be completely wholesome and fit for use—and that no bad parts were removed to give the impression a sick bird was a healthy one.

I have a right as a consumer to expect that when I buy a frozen turkey, it not be full of water "needled" into it before freezing to make it weigh more.

I have a right as a consumer to expect that when I buy cut-up poultry, the parts not be the healthy-looking legs or wings of a diseased and infected bird.

That is what this bill is intended to accomplish. Also, since we have periodically had outbreaks of epidemics in uninspected poultry-processing plants, causing not only sickness and hardship to employees but in many cases actually causing substantial numbers of deaths, we need this legislation to help and protect the worker, too. And since the greatest proportion of digestive ailments traced to food in this country have been traced to bad poultry, and since the sale of poultry is certain to decline if the consumer cannot have faith in the product he is buying, then the poultry industry itself must also have legislation of this kind.

I think these facts have been brought home to the poultry industry within the past few years. I know, Mr. Chairman, that the overwhelming majority of the industry is zealously trying to provide the consumer with wholesome and clean poultry, but there is a small minority which attempts to profit at the expense of the consumer's health. It is because of these unscrupulous operators we need this legislation.

When I first began working on legislation on this subject in 1954, it was bitterly opposed by people in the poultry-processing field and by some farm groups. That is now changed. This bill, I believe, has no organized opposition from the industry. As a matter of fact, since it is a compromise intended to meet industry fears as well as consumer needs, it is not as strong as I would want to make it, but I think, as I said, it can be used effectively to do the main job which must be done—and that is protect the public from being poisoned by diseased and unfit poultry products.

I believe the gentleman from Kentucky [Mr. WATTS], who is chairman of the subcommittee which handled this legislation, has done a truly outstanding job in bringing together diverse viewpoints on this legislation and bringing about agreement on a compromise which the poultry industry believes is fair and which those of us primarily concerned with the consumer's needs can also accept. I should emphasize most strongly

that this is a compromise. If we can pass it in this form, then all points of view will be treated fairly.

But I must warn that if the consumer protections which we have insisted on in this compromise are weakened, then the compromise would be upset. There would be an obligation upon us then to move to make the bill stronger. For I must point out that while this bill will have the effect of increasing poultry sales—by bolstering consumer faith and confidence in the purity of the poultry sold in the stores—it is primarily a consumer-protection bill, not a poultry-merchandizing one.

The poultry-merchandizing objectives will be enhanced, I can assure you, by assuring the consumer he is getting good food whenever he buys poultry.

It is my feeling that the objectives of a good inspection system could be achieved most simply and directly merely by amending the 51-year-old Meat Inspection Act to include poultry. My bill, H. R. 12, a successor to H. R. 11800 which I introduced in the previous Congress, would have approached it in that manner. However, the subcommittee felt it would be important to achieving the support and agreement of the poultry-processing industry and the farm groups if there was separate legislation on poultry, making it thus unlikely that poultry inspection would be made a subordinate stepchild of the Meat Inspection Branch dealing with red meats.

In line with that feeling, I agreed to submit a second bill along those lines, H. R. 5398, and thus both my bills were before the subcommittee. As we know, H. R. 6814, which is now before us, is a compromise of the provisions of my bills and of suggestions made by the industry groups, and was introduced by Mr. WATTS at the conclusion of the hearings. It incorporates many of the provisions of H. R. 5398 as well as the overall objectives of H. R. 12.

I have asked the Library of Congress Legislative Reference Service to provide me with a detailed table listing the differences as between the three bills—H. R. 12, to amend the Meat Inspection Act, H. R. 5398, which represented an ideal consumer approach in separate poultry-inspection legislation, and H. R. 6814, the compromise bill containing industry as well as consumer proposals. I include this excellent table at this point, Mr. Chairman:

Provisions of 3 poultry inspection bills

H. R. 12 by Mrs. SULLIVAN	H. R. 5398 by Mrs. SULLIVAN	H. R. 6814 by Mr. WATTS
Sec. 1. Finding by Congress that poultry and poultry products are being marketed without adequate inspection to insure wholesomeness and that amendments are hereby made to the Meat Inspection Act and the Tariff Act of 1930 to give the Secretary of Agriculture power to regulate shipments which (1) are in interstate and foreign commerce, or (2) burden, obstruct, or affect interstate or foreign commerce. The Meat Inspection Law has never been considered to apply to purely intrastate transactions. The act of 1942 (56 Stat. 351) which extended the inspection on a voluntary basis, to establishments in intrastate commerce was repealed in 1947 (61 Stat. 449, sec. 1).	Sec. 1. Title: Poultry Products Inspection Act. Sec. 2. Legislative finding: Makes a finding as to (1) the large quantities of poultry products that are in interstate commerce, and (2) the great volumes of poultry products used within certain large centers of population which directly affect poultry and poultry products in interstate commerce. According to the Department of Agriculture. In their comment on previous bills, the application of the act to market areas was requested by the poultry processors whose products are largely in interstate commerce and who feel that compliance would put them in an adverse competitive position in large market areas represented by big cities. It is based on the regulatory technique used by the Secretary of Agriculture under sec. 8c of the Agricultural Marketing Act which was upheld by the Supreme Court in <i>United States v. Wrightwood Dairy</i> (1941), 315 U. S. 110.	Sec. 1. Title: Poultry Products Inspection Act. Sec. 2. Identical to sec. 2 in H. R. 5398.

Provisions of 3 poultry inspection bills—Continued

H. R. 12 by Mrs. SULLIVAN	H. R. 5398 by Mrs. SULLIVAN	H. R. 6814 by Mr. WATTS
Sec. 2. Proviso. Provides that the Secretary of Agriculture may regulate any shipments which directly burden, obstruct, or affect interstate and foreign commerce.	Sec. 3. Declaration of policy—Congress therefore provides in this act for inspection of poultry and poultry products in interstate commerce, and in designated cities and areas.	Sec. 3. Same as in H. R. 5398.
Sec. 2. The inspection process under H. R. 12 would be assimilated to the regulations governing meat inspection, or set up separately at the Secretary's discretion. The bill does require both ante mortem and post mortem inspection. In the regulations under the Meat Inspection Act (9 C. F. R. 21.1) the query on a suspicion of unwholesomeness is made "to the immediate superior." Does the word "appeal" in H. R. 5398 and H. R. 6814 permit the formulation of a less expeditious regulation?	Sec. 4. Designation of inspection area. The procedure is as follows: (1) Application for regulation by the appropriate official or governing body of a city or area. (2) Public hearing by Secretary of Agriculture on whether regulation would effectuate provisions of act. (3) Order by Secretary placing city or area under regulation if the findings of fact at the hearing so warrant. (4) Designation goes into effect 6 months after publication in Federal Register. Sec. 5. Inspection: The inspection process consists of— (1) compulsory ante mortem inspection whenever processing operations are being carried on, in such manner as is determined necessary. (2) post mortem inspection of the carcass of each bird processed. (3) Condemnation of all poultry, parts, or products found to be unwholesome, and unless an appeal is taken, destruction thereof. (4) Permission to appeal a condemnation, which appeal shall be paid for by the person making it, if it is found frivolous. (5) Compliance with proper sanitary regulations established under the act is required.	Sec. 4. Designation: The procedure is as follows: (1) The Secretary is the motivating force. (2) A public hearing is conducted at his instance. (3) After the necessary finding of fact, he issues an order establishing regulation of the city or area. (4) Provided the city or area consents. This is equivalent to veto power. (5) The order establishing inspection goes into effect 6 months after publication in the Federal Register. Sec. 5. Inspection: The inspection process consists of— (1) Discretionary ante mortem inspection, where and to the extent considered necessary. (2) Post mortem inspection provisions the same as in H. R. 5398. (3) Condemnation of all poultry, parts, or products found to be unwholesome, and, unless an appeal is taken, destruction thereof. Such carcasses, parts and products which may by reprocessing, be made not unwholesome and not adulterated, need not be so condemned and destroyed, if reprocessed under supervision of an inspector and thereafter found not to be unwholesome and not adulterated. (4) Compliance with proper sanitary standards under the act is required. Sec. 6. Sanitation, facilities, and practices: Same as H. R. 5398.
Sec. 7. Empowers the Secretary to establish regulations governing sanitary conditions. Sec. 16. The labeling provision governs the items inspected and passed. It does not refer to accompanying material, or false and misleading labels, other than those claiming an item has been "inspected and passed" which has not been. Violators are subject to criminal penalties only; not to injunction proceedings.	Sec. 6. Sanitation, facilities, and practices: Grants authority to establish regulations effecting these. Sec. 7. Labeling: (1) Requires each "shipping" container of any inspected product to bear in legible form (a) official inspection mark (b) name of product (c) accurate weight, measure, or numerical count (d) name and address or approved plant number in which contents were processed. (2) Requires each "individual consumer" package to bear in legible form (a) name of product (b) statement of ingredients if made from 2 or more (c) net weight or other appropriate measure (d) name and address or approved plant number of establishment where contents were processed. However, the name and address of the distributor may be used if the approved plant number is employed also. (3) Prohibits false or misleading written, printed, or graphic matter; and the use of false or deceptive names for the products unless the Secretary finds such names are legitimate trade names. The Secretary may require any label which is false or misleading in any particular to be modified. The person using the label may request a hearing, but use shall be withheld pending the hearing. Thereafter, if the finding is adverse to the use of the label, he may appeal to the United States circuit court of appeals in the circuit where he resides. Some factors under this section should be pointed out. Subsec. (a) has as its objective the proper identification of inspected poultry and poultry products and this is comparable to the labeling provision in the Meat Inspection Act (21 U. S. C. 75). Subsec. (b) in referring to "printed or graphic material" not only upon but also accompanying the inspected product, together with its prohibition against false and misleading labels borrows concepts from the misbranding provisions of the Food, Drug, and Cosmetic Act (21 U. S. C. 343) which is administered by the Department of Health, Education, and Welfare. The Meat Inspection Act subjects anyone violating its labeling provisions to criminal penalties. Under the Food, Drug and Cosmetic Act, items which have been misbranded are subject to seizure; the person (including firm) so doing is subject to injunction or criminal proceeding. As you may note, the label for seizure has not been included in either of these bills.	Sec. 7. Labeling: (1) Requires "shipping" containers to bear in legible form the official inspection mark and the approved plant number of the official establishment in which the products were processed. (2) Requires the "immediate" container to bear in legible form the same items of information as the "individual consumer" package under H. R. 5398. The provisions respecting name and address and plant number are not, however, in the alternative under H. R. 6814. (3) Provisions as to labeling are the same as under H. R. 5398.
Sec. 9 and Sec. 10. Prohibit uninspected products, or improperly labeled products to be transported in interstate or foreign commerce.	Sec. 8. Prohibited Acts. There are 9 of these as follows: (1) Placing in interstate commerce or for sale, delivery, etc., of any poultry or poultry product unless it has been inspected and its container is properly marked. (2) Sale or other disposition for human food if any poultry or product thereof which has been found unwholesome or adulterated. (3) Forging or counterfeiting an official inspection mark. (4) Using a false or misleading label on any product. (5) The use of a container bearing an official inspection mark except for the products originally put in it. (6) Refusal to permit access to any authorized representative of the Secretary, at all reasonable times, to the premises of an establishment under this act engaged in processing poultry. (7) Refusal to permit access to and copying of records. (8) The use by any person, to his own advantage, of information acquired under this act. (9) Delivering, receiving, selling, etc., any poultry other than poultry under this act in commerce or a designated city or area. Sec. 9. Prohibits any establishment processing poultry or poultry products for commerce or for marketing in a designated city or area except in compliance with this act.	Sec. 8. Prohibited Acts. Same as in H. R. 5398, except (9), below: (9) Contains a further clause permitting poultry to be transported between official establishments and to foreign countries subject to the regulations of the Secretary. Sec. 9. Same as in H. R. 5398.

Provisions of 3 poultry inspection bills—Continued

H. R. 12 by Mrs. SULLIVAN	H. R. 5398 by Mrs. SULLIVAN	H. R. 6814 by Mr. WATTS
No comparable provision in H. R. 12.	Sec. 10. Records of interstate shipment: Records coming under these provisions must be maintained for 2 years following each transaction, and be opened to the inspection of any duly authorized representative of the Secretary.	Sec. 10. Records of interstate transactions. Same as in H. R. 5398.
No comparable provision in H. R. 12.	Sec. 11. Injunction proceedings: The district courts are empowered to issue injunctions both to enforce and to prevent and restrain violations under the act. The analogous provision in the Food, Drug, and Cosmetic Act allows only prohibitory injunctions to be brought (21 U. S. C. 332).	Sec. 11. Injunction proceedings. Same as in H. R. 5398.
Penalty for violation of the Meat Inspection Act, assimilated by H. R. 12 to poultry is conviction of a misdemeanor carrying a sentence of imprisonment for not more than 2 years and for a fine not exceeding \$10,000.	Sec. 12. Penalties: Persons violating the provisions of this act shall be guilty of a misdemeanor. (1) For a 1st offense the penalty shall be imprisonment for 1 year and/or a fine of \$5,000. (2) For a 2d offense, after a previous conviction has become final, the penalty shall be imprisonment for 2 years and/or a fine of \$10,000. These bills do not carry penalty provision for those convicted of an attempt to defraud as does the Food, Drug and Cosmetics Act (21 U. S. C. 333 (b)). (b) Not carried in H. R. 5398.	Sec. 12. Penalties: Persons violating the provisions of this act shall be guilty of a misdemeanor. (1) For a 1st offense, the penalty shall be imprisonment for 6 months and/or a fine of not more than \$3,000. (2) For a 2d offense, after a previous conviction has become final, the penalty shall be imprisonment for 1 year and/or a fine of not more than \$5,000. (3) For any offense after the 2d, the penalty shall be imprisonment for not more than 2 years and/or a fine of not more than \$10,000. (b) Carriers are not subject to the penalties of the act where their only act consisted of the carriage of poultry products. Carriers who violate the provision requiring records, whether or not with knowledge, shall be subject to the penalties of this section.
No comparable provision in H. R. 12.	Sec. 13. Requires a hearing before instigation of criminal proceedings, during which the defendant may state his side of the case, orally or in writing. The Secretary is authorized to overlook violations of this act. This provision is based on that in the Food, Drug and Cosmetic Act (21 U. S. C. 335). However, the penal provision of the bill (sec. 12), unlike the penal provision of the Food, Drug and Cosmetic Act does not explicitly note the defenses which could be raised (see 21 U. S. C. 333 (c)). The second sentence of this proviso is likewise based on a provision of the Food, Drug and Cosmetic Act (21 U. S. C. 336), but unlike that provision it does not limit to merely minor violations the Secretary's authority to overlook violations of the act.	Sec. 13. Similar to H. R. 5398.
Sec. 11. The Secretary of Agriculture is to appoint inspectors and make necessary regulations.	Sec. 14. The Secretary of Agriculture is empowered to establish necessary regulations.	Sec. 14. Same as in H. R. 5398.
Sec. 12. The Secretary of Agriculture may set volume limitations as the basis for exemption of certain poultry raisers, retail poultry butchers, and retail poultry dealers.	Sec. 15. Exemptions. 2 classes of persons are exempt: (1) Poultry producers raising their own poultry which they sell to household consumers only. (2) Retail dealers with respect to poultry products sold directly to consumers in individual retail stores.	Sec. 15. Exemptions. 4 classes of persons are exempt: (1) Same as in H. R. 5398. (2) Same as in H. R. 5398. (3) For such period of time as the Secretary determines would be necessary to so aid setting this Act into effect, those persons ordinarily subject to the act; but not beyond July 1, 1960. (4) Persons slaughtering, etc. poultry under religious dietary laws, to the extent the Secretary provides.
Sec. 12. Persons otherwise exempt are subject to imprisonment not in excess of 1 year and/or a fine not in excess of \$1,000 for violations of the act.	Sec. 16. Violations by exempted persons: Persons otherwise exempt who sell, etc. unwholesome poultry products in commerce or in a designated area shall be subject to penalties of act.	Sec. 16. Violations by exempted persons: Here the element of scienter is required.
Sec. 15. The importation of diseased and unwholesome meats and poultry is prohibited.	Sec. 17. Imports: Prohibits imports of poultry, parts, or products thereof unless they are wholesome and comply with rules and regulations of the Secretary. Permits the Secretary to cooperate with other branches of the Government and State agencies.	Sec. 17. Imports: Same.
Sec. 14. Cost of inspection shall be borne by the United States except the cost of overtime.	Sec. 19. Cost of inspection. The Government is to bear the cost of inspection except for overtime.	Sec. 19. Cost of inspection. The Government is to bear the cost of inspection except for overtime and holiday work.
Sec. 13. Also includes this inspection under the permanent appropriation authority of the Meat Inspection Act.	Sec. 20. Authorizes necessary appropriations.	Sec. 20. Same as H. R. 5398.
No comparable provision in H. R. 12.	Sec. 21. Separability provision.	Sec. 21. Same as H. R. 5398.
No comparable provision in H. R. 12. Authority is implicit in the Secretary to make the necessary definitions in the regulations.	Sec. 22. Definitions. Generally similar to those in H. R. 6814, except that "inspection service" is definitely placed in the Agricultural Research Section of the Department of Agriculture.	Sec. 22. Definitions. Similar to H. R. 5398, except— (1) "Adulterated" is defined as not embracing any situation where the substance is not an added substance and is not present in such quantity as to be injurious to health. (2) "Inspector" specifically includes State employees authorized to make inspections by the Secretary of Agriculture.
Sec. 16. Effective date: 6 months after enactment.	Sec. 23. Effective date is set at July 1, 1958.	Sec. 23. Effective date: Jan. 1, 1959.

The record will show that H. R. 6814 allows discretion to the Secretary of Agriculture in the manner in which he will require inspection of poultry before slaughter, that is, ante mortem, and requires carcass-by-carcass inspection after slaughter.

If this legislation is administered with the same spirit with which the meat inspection law has been administered, we need have no fears as to its

effectiveness in protecting us from diseased poultry.

Mr. Chairman, I do not want to take the time of the House for unnecessary further comment on this legislation. I think there is by now general understanding and agreement among the membership on the need for such legislation. The Senate has passed a somewhat similar bill, also a compromise, and if we enact this bill today, I am

confident we can quickly reach agreement and send a final bill to the White House. It is urgent we have poultry inspection on a compulsory basis as soon as possible and practical.

I have, over a period of 3 years, invested a good bit of time and effort and research into this legislation, and some of it, I believe, would be useful in connection with the legislative history of the bill. However, rather than take the

time of the House to go into it here, I intend to include for the RECORD, as part of and at the end of my remarks, a presentation I made in the House in June 1956, which included several public health studies on the transmissibility of disease from poultry to humans, the incidence of food poisoning from unfit poultry, and so on. This material also outlines the steps which I took toward the achievement of this goal of getting a good bill before the House.

Mr. Chairman, I shall consider it one of the proudest and most heartwarming occasions of my political career if this bill passes. While it does not bear my name, I like to feel that my efforts have had some substantial influence in the development of this bill, and I am grateful for the help I have received on it from so many of my colleagues.

Every Member on this House floor today can contribute everlastingly to the health and well-being and safety of the people in their districts by supporting this legislation.

The research material referred to above is as follows:

CLOSING THE LOOPHOLES IN THE MEAT INSPECTION LAWS TO PROTECT THE CONSUMER AGAINST DISEASED POULTRY—REMARKS BY CONGRESSWOMAN LEONOR K. SULLIVAN OF MISSOURI IN THE HOUSE OF REPRESENTATIVES, JUNE 18, 1956

The SPEAKER. Under the previous order of the House, the gentlewoman from Missouri [Mrs. SULLIVAN] is recognized for 30 minutes.

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks and include a report.)

Mrs. SULLIVAN. Mr. Speaker, I have asked for this time today in order to call to the attention of the House of Representatives a bill which I have just introduced this afternoon to close one of the most glaring loopholes in our pure-food laws.

It is a bill to require Federal inspection for wholesomeness of all poultry or poultry products in interstate commerce or which directly burden, obstruct, or affect interstate commerce.

My bill would accomplish this long-overdue reform by amending the Meat Inspection Act to include poultry and poultry products along with beef, pork, lamb, and the other red meats now covered by the terms of this law.

The bill states that Congress finds that poultry and poultry products are being marketed through the channels of interstate and foreign commerce without adequate inspection to protect the public against poultry and poultry products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food.

OBJECTIVE: TO PROTECT THE PUBLIC

It further states as its objective: To protect the general consuming public, to protect the health of persons engaged in the processing and distribution of poultry and poultry products, to prevent the spread of disease through shipments in interstate and foreign commerce of unwholesome poultry and poultry products, and to promote the wider use of poultry through assurance to the consuming public of its wholesomeness and freedom from disease, thus assisting agriculture and the food-marketing industries in expanding their sales and augmenting their important contributions to our economic system, the following amendments are made to the Meat Inspection Act—34th United States Statutes at Large, page 1260, as amended—and the Tariff Act of 1930—46th United States Statutes at Large, page 689, section 306—giving the Secretary of Agricul-

ture power to inspect, condemn, or regulate any shipments of poultry in interstate or foreign commerce, or any shipment thereof which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity.

FIFTY YEARS OF MEAT INSPECTION

The Meat Inspection Act will be exactly 50 years old this month. During all of that time, we have had compulsory inspection for wholesomeness of all red meats shipped in interstate commerce. This law represented a great reform following the disclosures of the filth and complete lack of sanitation in the meat industry a half century ago. The law has worked fairly and well to protect the consumer. It has also been a great thing for the legitimate meat-packing industry.

The effectiveness of this program can be seen, Mr. Speaker, right in the bare figures and statistics of the Federal budget. We find on page 359 of the budget document for the coming fiscal year that in fiscal 1955, the year which ended last June 30, nearly 100 million meat animals were inspected by Federal meat inspectors, both before and after slaughter, to make sure the animals were healthy and the meat was wholesome. Out of this number, more than a quarter million carcasses were condemned as unfit for human consumption.

Just imagine how many illnesses those quarter million diseased or unfit steers, lambs, pigs, or other animals could have caused if the meat inspectors had not condemned the meat from them.

The budget shows that more than 16 billion pounds of processed meat and meat-food products were inspected by the Federal meat inspectors in that fiscal year, at a cost to the Federal Government of nearly \$15 million that year. The estimate for meat-inspection work for the coming year is nearly \$16 million, and it is money well spent—to protect our health.

NO COMPULSORY INSPECTION OF POULTRY

But while we have had compulsory inspection for wholesomeness of the red meats in interstate commerce, we have had no such requirement for poultry and poultry products. Consequently, we have been victimized as consumers many, many times by being sold poultry products which should have been condemned and destroyed. We have been defrauded by being sold products unfit for human food. We have been poisoned by the consumption of poultry products which carried disease. And, even more tragically, we have seen some employees in the poultry-processing industry die as a result of extremely serious disease transmitted to them by poultry which should have been detected as diseased before slaughter and thus never should have been brought in contact with the workers whose death they caused.

I have cited the consequences to consumers, to the general public, and to workers in the poultry-processing industry because we have not had adequate inspection of poultry and poultry products to insure that these foods are wholesome. Let me add an additional group which is being adversely affected—the poultry processors themselves and the food-distribution industry.

The spread of illness through sale of diseased poultry has caused many housewives to hesitate about buying poultry, particularly frozen poultry. A number of people in this line of business have told me that sales are adversely affected by the lack of confidence of many housewives in the wholesomeness of poultry products offered for sale. As they point out, this affects not only the fly-by-night or unscrupulous operator, but the legitimate concern as well. Firms which sell only the most wholesome commodities suffer from the lack of public confidence in the wholesomeness of poultry products generally.

IN BEST INTEREST OF PRODUCERS, TOO

So it is to the advantage of the consumer, then, the general public, the poultry processing plant worker, and to the poultry farmer and the poultry processor and the poultry distributor that we close this 50-year-old loophole in our meat-inspection laws and include poultry as well as the red meats under the terms of the Meat Inspection Act.

It may come as a shock to some Members, Mr. Speaker, to learn that the chicken or duck or turkey which you buy in the store could be shipped in interstate commerce without Federal inspection as to its wholesomeness—its purity—its fitness as human food. Do we not have laws to prohibit the sale in interstate commerce of food products unfit for human consumption? Of course we do.

We have the Food, Drug, and Cosmetic Act which prohibits the sale in interstate and foreign commerce of contaminated, unfit, filthy, adulterated foods. Since we have such a law on the books, we are inclined to sit back and be complacent in the belief that everything is nicely taken care of.

FOOD AND DRUG FUNDS INADEQUATE

As many of the Members know, I have been protesting ever since coming to Congress that we live in an atmosphere of false security about the purity of our foods, drugs, and cosmetics—despite a good law on the subject—because we treat the Food and Drug Administration like a stepchild. We starve out the agency responsible for protecting our own health against poisonous foods and drugs and cosmetics. It is a shortsighted and tragic thing.

The Food and Drug Administration hopes in this coming year—with the help of a very substantial increase in its appropriation—to expand back to the level of 1952 and have as many as 300 inspectors on its staff for food, drug, and cosmetic enforcement work.

It has been able to spare only about 7 or 10 men, at the outside, on a man-year basis, for poultry inspection. It has been able to send an inspector around to the various poultry processing plants engaged in interstate commerce about once every 3 or 4 years.

Yes; occasionally they do uncover a shipment of unfit, rotten poultry, which they then seize and remove from the channels of commerce. But this is hardly the kind of procedure which can assure the wholesomeness of the poultry we consume in this country.

Obviously, a visit every 3 or 4 years for a few hours by a food and drug inspector to a poultry-processing plant is not the answer.

PRESENT POULTRY INSPECTION ONLY PARTIAL PROGRAM

Well, then, do we not have Federal inspection of poultry by the Department of Agriculture? We do. Primarily such inspection was to protect the farmer and his poultry flock from diseased birds. It is illegal to ship diseased live poultry in interstate commerce and it is illegal to ship the carcasses of poultry which died from certain specified diseases.

But the loophole here is interesting. If the diseased birds suffering from such illnesses are slaughtered, the carcasses can be shipped, nonetheless, because they did not die of these specified diseases. Is that not, indeed, a ridiculous distinction?

The diseased poultry would not have been shipped live in violation of the act, nor would they actually have died of the disease from which they suffered.

Therefore, we cannot depend upon this particular statute to protect the consumer, or to protect the health of the poultry-processing plant worker, or to reassure the public as to the wholesomeness of the poultry they see offered in the stores.

Under the terms of another law, however, there is Federal inspection of poultry for wholesomeness. This is in the Agri-

cultural Marketing Act of 1946, which provides for a voluntary inspection program, with the full cost of the service being paid for by the processors which use the service.

Hence, you can now find federally inspected poultry, certified as to its wholesomeness, in many stores today. When you see such poultry in the stores carrying the Department of Agriculture seal attesting that it has been inspected for wholesomeness, you can be sure this poultry is good—that it is wholesome. I am very pleased by the actions of so many food-merchandising companies in emphasizing in their advertising that they sell only United States inspected poultry, approved for wholesomeness. The customer should insist on this.

But, unfortunately, this voluntary program—which the processing industry must pay for—covers only a small proportion of our poultry supplies and is utterly inadequate in protecting the public.

Only about 25 percent of the Nation's poultry supply is inspected by the Federal Department of Agriculture for wholesomeness. The present Federal poultry inspection program, as I said, is purely voluntary on the part of the processors willing to participate under it, and willing to pay for the inspection service on a fee basis. That is why 75 percent of our poultry is not inspected by the Federal Government.

ILLNESS AND DEATH FROM DISEASED POULTRY

On the other hand, the Federal Government pays the full cost—now more than 15 million dollars a year—for inspection of the red meats for wholesomeness. When you stop to consider that we consume more than 6½ billion pounds of poultry a year, it is obvious there is a big gap in our machinery for protecting the consumer from unwholesome poultry products. We know that many diseases are transmitted from poultry to humans. We know that diseased poultry in the last few months in the Far West, and in the last few years in Texas and elsewhere has caused the death of a number of poultry processing workers and the serious illnesses of many workers—epidemics, for instance, of psittacosis. And we know that diseased, unfit poultry has caused an unusually high percentage of all food poisoning illnesses, particularly salmonellosis and gastroenteritis.

I mentioned the Food and Drug Administration's efforts to combat this menace. Let me again point out that the Food and Drug Administration, with a total appropriation for all purposes of less than one-half of what we appropriate each year to the Federal Meat Inspection Service, cannot begin to do the job of protecting the public against all unsound, unhealthful, unwholesome poultry. There are 1,300 or more interstate poultry dressing, freezing, or canning establishments in the United States, and the Food and Drug Administration can visit them, as I said, only about once every 3 or 4 years.

Obviously, we need full-time inspectors to examine this poultry before it is killed—antemortem—and again after it is killed, exactly as it is done with the red meats.

MEATCUTTERS UNION HAS ALERTED PUBLIC

My attention first was called to this problem by the Amalgamated Meat Cutters and Butcher Workmen of North America, whose president, Mr. Earl W. Jimerson, and secretary-treasurer, Patrick E. Gorman, along with other officers and members, have been deeply concerned by the danger to the health of their fellow members from diseased poultry. Members of this union have sickened and, in some cases, died, from handling diseased poultry. Others have been made violently nauseous by the conditions in some of the plants, and by the unfit products—filthy products—they have had to process.

Two years ago, on June 15, 1954, after officials of this union called some of these mat-

ters to my attention in connection with my efforts to obtain higher appropriations for the Food and Drug Administration, I directed an inquiry to Mr. Charles W. Crawford, then Commissioner of the Food and Drug Administration, asking what was being done to overcome the menace to public health of diseased poultry being shipped in interstate commerce, and also asking of any instances known to his agency of the transmission of disease from poultry to humans. I received a most interesting answer from him on June 23, 1954. Subsequently, on July 26, 1954, I called this material to the attention of the House in the following statement in the CONGRESSIONAL RECORD:

"DISEASED AND 'NEEDED' POULTRY ENDANGER AND CHEAT THE PUBLIC, AND OTHER RACKETS FLOURISH IN FOODS, DRUGS, AND COSMETICS, AS FOOD AND DRUG ADMINISTRATION APPROPRIATION AGAIN IS CUT

"(Extension of remarks of Hon. LEONOR K. SULLIVAN, of Missouri, in the House of Representatives, Monday, July 26, 1954)

"Mrs. SULLIVAN. Mr. Speaker, I hope that many Members of the Congress, and also officials of the administration, particularly those with policymaking responsibilities in the field of health and welfare, read the excellent article in the Washington Evening Star on Wednesday, July 21, dealing with the Food and Drug Administration of the Department of Health, Education, and Welfare. The article was entitled 'Food and Drug Watchdogs Face Work With Less Funds.'

"I have tried during my tenure in the Congress to keep abreast of the work of the Food and Drug Administration and to do what I can to assure it adequate authority to do the work we expect of it, and also adequate funds. Last year, as a result of the Supreme Court decision, a loophole was disclosed in the basic authority of the Food and Drug Administration which prohibited inspectors of the agency to gain admission to factories preparing food, drug, or cosmetics preparations, except on the invitation of the operators of those factories. We succeeded in closing that loophole in the legislation. It was a great victory for the consumer, for it restored the right of our Government to inspect the conditions under which these products are prepared and processed, and to act against insanitary conditions threatening the health of the public.

"The fact remains, however, that the Food and Drug Administration has not been getting adequate funds to enable it to make the number of inspections it should make each year in preventing products which are dangerous to health, or which are fraudulently packaged, from getting into interstate commerce. The administration this year asked for only \$5,200,000 for the appropriation of the Food and Drug Administration, as against the \$5,600,000 appropriated under the Truman administration. The Congress then cut the administration's request by another \$100,000, leaving the Food and Drug Administration only \$5,100,000. That means a cut in the staff of this very essential Government agency by about 11 percent since 1952. Considering the work which the Food and Drug Administration does for all the people of the United States by seeking to eliminate poisoned, or adulterated, or mislabeled foods, drugs, and cosmetics from being sold to the public, I think this was one of the most shortsighted cuts ever made in an appropriation.

"The diseased poultry situation

"The work of the Food and Drug Administration has come in for renewed attention in recent months as a result of disclosures dealing with the sale in interstate commerce of diseased poultry and of frozen poultry which has been fraudulently weighted with water prior to freezing. Estimates on the extent of this dangerous and immoral racket have varied, but all the facts indicate that

it has been an extensive problem. With its cut in funds in both last year's appropriation and this year's, the Food and Drug Administration has had to cut its enforcement work in this field by about 30 percent.

"Following disclosures of this diseased poultry racket, I wrote last month to Mr. Charles W. Crawford, Commissioner, of the Food and Drug Administration, asking for full information on the work of the FDA to protect the consumer against the sale of this diseased poultry, the time devoted to this work, the number of poultry processors in the country doing interstate business, the frequency with which they are inspected, etc. I also asked for any information he might have indicating transmission of diseases to humans as a result of the processing or consumption of diseased poultry. His reply, I believe, will be of extreme interest to every Member of the Congress concerned about protecting the health of the people of the United States and protecting them against fraud.

"With the unanimous consent of the House, Mr. Speaker, I include as part of my remarks the article Food and Drug Watchdogs Face Work With Less Funds, from the Washington Evening Star of July 21, and also an exchange of correspondence between myself and Commissioner Crawford, of the Food and Drug Administration, as follows:

"[From the Washington Star of July 21, 1954]

"FOOD AND DRUG WATCHDOGS FACE WORK WITH LESS FUNDS

"Housewives might do well to provide themselves with scales to check the weight of packages of food they buy.

"They would thus be taking over part of the work of the Food and Drug Administration. But that agency, its budget cut and its staff reduced, has assigned a low priority to the checking of the net weight of packaged food against the statement of weight on the label.

"Wallace F. Janssen, assistant to the Commissioner of the Food and Drug Administration, said he does not believe the housewife would find many packages not full weight. But it would provide a check the administration is not able to make.

"The budget of the agency has been trimmed steadily in the last 4 years. For fiscal 1952 Congress appropriated \$5.64 million. The next year the appropriation was \$5.6 million. Last year it was \$5.2 million, and for this fiscal year, 1955, it is \$5.1 million.

"Eleven percent cut since 1952

"The estimated number of the staff for this year is 815, an 11-percent reduction since 1952. That number includes laboratory scientists, administrators, clerical workers, and, finally, the frontline troops, the inspectors.

"There were only 230 inspectors in 1950. Last year the number was 195. These figures leave out about 170 persons employed in testing certain products as they are produced, with the manufacturer paying the salaries through fees.

"The head of the Food and Drug Administration is Charles W. Crawford, a career man with 37 years' experience. He has applied for retirement.

"The staff cuts have led the Agency to the conclusion that it is more important to direct its efforts toward activities that protect health rather than those that protect the pocketbook. Therefore, it has assigned lower priorities on checking weights of packaged goods, checking the contents of cans and packages to make sure their composition is what the label says, and proceeding against those who make extravagant claims for products unless danger to health is involved.

"Occasional cases on these grounds are made, it is true, but usually they are incidental to other activities.

"The Agency admits frankly it would take 200 inspectors 12½ years to make inspections

of each of the 96,000 food and drug company plants and warehouses. Last year 8,650 plants and warehouses were inspected.

"Lacks followup facilities"

"While the Agency is alert to cases in which public health is involved, it says it lacks the facilities to keep up with the testing of new products and materials which are being developed in increasing numbers. It cannot make followup investigations of the safety of new drugs after they are placed on the market. Important cases involving serious frauds have been delayed by a lack of medical and legal manpower.

"The Agency does continue to seize contaminated and spoiled foods in large amounts. It goes after medical devices and products which make false claims. It prosecutes druggists who sell barbiturates and other prescription drugs without a physician's prescription.

"After coffee prices went up the Agency decided it should check attempts by unethical dealers to take advantage of the higher prices. It seized a number of consignments of coffee.

"It was learned that chickpeas, imported for canning, had become infested with insects. The chickpeas were diverted to coffee roasters. Coffee shipped by some firms were found to contain, in addition to the chickpeas, spent coffee grounds, barley, chicory, and soybeans.

"Frozen food adds work"

"The expanding market for frozen foods has added to the Administration's work. One plant producing frozen turkeys was found to operate with a water hose having a hypodermic needle as a nozzle. Water was injected into the turkeys before they were frozen.

"When one turkey was thawed 2 pounds of water seeped out. It was part of a lot of turkeys weighing 50,000 pounds. Taking the average weight of a turkey at 15 pounds, allowing for 1 pound of water per bird and taking the price at 75 cents a pound, the buyers were thus paying \$2,500 for 3,300 pounds of water.

"May be political appointee"

"With the retirement of Mr. Crawford pending, the agency has this question:

"Will the new administrator be a professional man, perhaps trained in the agency, or a person from some other category whose appointment is cleared with the Republican National Committee?

"When the Eisenhower administration directed that Government policymaking jobs be listed and that they be taken from under civil-service coverage, various trade associations in the food and drugs fields urged that politics be kept out of the Food and Drug Administration. Mr. Crawford was not replaced.

"With the prospect of his retirement the requests are being repeated. Carlos E. Campbell, secretary of the National Canners Association, said his organization has urged that the appointment be kept in the professional category. Other organizations have done the same."

JUNE 15, 1954.

MR. CHARLES W. CRAWFORD,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D. C.

DEAR MR. CRAWFORD: In view of the recent publicity given the sale of diseased poultry and the action of the AFL Meatcutters Union to try to bring about legislation to protect the American consumer against this menace, I would appreciate your sending me a statement on what the FDA is doing and intends to do to correct this situation. I would specifically like to have answers to the following questions, as well as any other in-

formation you can properly send me in connection with this problem.

What does the FDA do to protect the consumer against the sale of diseased poultry? How much time is devoted to the inspection of that one particular item?

Are there any diseases of poultry that can be transmitted to humans through the consumption of diseased poultry being put up for sale?

If so, do you know of any instances where diseases of poultry have been transmitted to humans?

Do you know how many poultry processors there are in the country that do interstate business?

How often does the FDA inspect them?

I would appreciate it if you would send me your reply to these questions in quadruplicate.

Sincerely yours,

Mrs. JOHN B. (LEONOR) SULLIVAN,
Member of Congress.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
Washington, D. C., June 23, 1954.

Hon. LEONOR SULLIVAN,
House of Representatives.

DEAR Mrs. SULLIVAN: We have your letter of June 15 in which you ask several questions concerning our enforcement program on diseased poultry. We are answering your questions in the order in which you have asked them.

Under the Federal Food, Drug, and Cosmetic Act, a food is deemed to be adulterated if it is the product of a diseased animal or of an animal which died otherwise than by slaughter. This section of the act takes into account the basic objections of the consumer to the diseased product, whether or not actual danger to health can be demonstrated.

We have a carefully planned enforcement program under this section of the law, which includes inspection of poultry dressing and eviscerating plants and of other poultry processors, and sampling surveys in consumer markets to find diseased or otherwise unfit poultry. Under this program for fiscal 1953 and the first 11 months of fiscal 1954, we approved 106 seizure actions for the removal of unfit birds from the market, of which 64 actions included charges that the article was in whole or in part the product of a diseased animal. During the same period we also approved 33 criminal actions, 22 of which involved diseased poultry.

During fiscal 1953 we devoted 10 man-years to the poultry project, of which the work on diseased poultry is a part, along with work on filthy, decomposed or otherwise unfit poultry and poultry which has been "needed" or otherwise fraudulently watered to increase its weight. During fiscal 1954 this work has necessarily been reduced. We estimate, based on reports for the first 3 quarters, that 7 man-years will have been expended this year on this project.

The question of whether poultry diseases may be transmitted to man through the sale of diseased poultry cannot be answered with assurance. It is well established that certain poultry diseases are transmissible to man. These would include, for instance, psittacosis (parrot fever) and Newcastle disease. However, outbreaks of these diseases, so far as we know, have occurred only among persons handling live poultry or working in poultry dressing establishments. We do not know of any instances in which it has been proved that a specific disease was contracted through the consumption or preparation in the kitchen of a diseased bird. On the other hand, the possibility cannot be ruled out.

Several outbreaks of psittacosis have occurred recently among workers in turkey processing plants in Texas. In cooperation with the Public Health Service of this De-

partment we are currently investigating these outbreaks to determine whether diseased birds have been shipped in interstate commerce and the degree of hazard, if any, to the purchaser of such birds.

There is another group of diseases common to poultry and to man and apparently caused by the same disease organism in both, in which definite transmission has not been established. However, it is believed that poultry may at least serve as a reservoir of human infection by routes still unknown. Certain types of encephalitis and meningitis, pseudotuberculosis, and pasteuria infections are in this group.

In a closely related category are the food-poisoning illnesses—salmonellosis and gastroenteritis—which are attributed to poultry and poultry products or in which such products are suspected as the vehicle of infection. Poultry which are actively infected with salmonella or which are carriers of the organisms, though apparently not diseased in the ordinary sense, undoubtedly are involved in many of these instances, and fecal contamination during processing may be a factor. For your further information on this phase of your inquiry, we are enclosing a mimeograph entitled "Poultry Diseases Transmissible to Man—Including Summary Report of Outbreaks," prepared by the Communicable Disease Center of the Public Health Service.

We estimate that there are approximately 1,300 interstate poultry dressing, freezing, or canning establishments in the United States. For the past 2 years we have made about 400 poultry-establishment inspections each year, of which we estimate that perhaps one-fourth represents reinspections of the same firms. Thus our program contemplates complete coverage of this industry about once every 3 or 4 years.

If we can be of further service, please do not hesitate to let us know.

Sincerely yours,

C. W. CRAWFORD,
Commissioner of Food and Drugs.

FULL REPORT ON TRANSMISSIBLE DISEASES

I did not, at that time, include in the Record the report which Mr. Crawford referred to—"Poultry Diseases Transmissible to Man Including Summary Report of Outbreaks"—but I believe it is relevant now in light of the bill which I have introduced and the goal I am trying to achieve. I therefore am including it today as part of my remarks, identified as exhibit A at the end of my discussion. It is rather long, and for that I apologize, but I do believe it is important enough to the legislative process—if we are to achieve the goal of assuring the wholesomeness of the poultry we buy and eat—to include it in the Record. I hope that Members will be able to find the time to read it and to note especially the many incidents of food poisoning in the 1951-52 period studied which were directly attributable to diseased poultry.

For 2 years, then, Mr. Speaker, I have been actively interested in this problem of diseased poultry, and finding a solution to it which would protect the consumer and the public generally. I think the bill which I have today introduced is the best approach which has yet been made to solving the problem.

I have mentioned the intense interest of the Amalgamated Meat Cutters Union in this whole field, and I am pleased to acknowledge their leadership in bringing the matter to public attention and in enlisting my help and the help of other Members of Congress in seeking a solution. Since the Amalgamated's proposed solution has been somewhat different from mine, although our objectives are identical, I think it only fair to point out the development of our respective legislative approaches.

CONGRESSIONAL INVESTIGATION SOUGHT

The meat cutters union at first sought to meet the increasing problem of diseased poultry in interstate commerce through the vehicle of a congressional investigation, and several bills were offered in the Congress calling for such investigations. Unfortunately, however, no action was taken on these bills last year in either House or Senate.

EXCELLENT ASSISTANCE FROM LIBRARY OF CONGRESS

Over the congressional recess, as I thought about this problem I turned to the Legislative Reference Service of the Library of Congress for some guidance and assistance on the best way to accomplish the goal of assuring the wholesomeness of poultry in interstate commerce. I want now to acknowledge the outstanding assistance I have received on this from Miss Margaret M. Conway, of the American Law Division, who in December submitted to me a comprehensive and truly excellent exposition of the legal aspects of the problem. Her report to me was as follows:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., December 12, 1955.
To: Hon. LEONOR K. SULLIVAN.
(Attention: Mr. Holstein.)
From: American Law Division.
Subject: Suggestions as to legislation to require inspection of all poultry shipped in interstate commerce.

For your information, and to place the question in a proper perspective, we are reviewing here for you, first, the laws already on the books providing certain types of inspection of poultry, and also the meat inspection laws which require compulsory inspection of meat shipped in interstate commerce.

POULTRY INSPECTION

There are at present the following several laws in effect which permit agents of the Federal Government to inspect poultry. Each of them has certain limitations in its coverage which we point out below.

1. The act of February 7, 1928 (45 Stat. 49): This law included live poultry within the purview of several previous inspection acts administered by the Department of Agriculture. By it, live poultry was made subject to the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry (23 Stat. 31; 7 U. S. C. 391); of the act of February 2, 1903, enabling the Secretary of Agriculture to suppress and prevent the spread of contagious diseases among livestock (32 Stat. 791; 21 U. S. C. 111-121); and of the act of March 3, 1905, enabling the Secretary of Agriculture to maintain quarantine districts and regulate the movement of cattle and other livestock therefrom (33 Stat. 1264; 21 U. S. C. 123-130).

The regulations concerning poultry hereunder are incorporated in the Federal regulations concerning the interstate transportation of animals and poultry suffering from specified contagious diseases (9 C. F. R. 71.1 through 81.2. The sections concerning poultry are 9 C. F. R. 81.1 and 81.2). They prohibit the interstate transportation of "live chickens, turkeys, or geese affected with or directly exposed to the contagious disease known as European fowl pest or other similar contagious poultry disease, [or the] carcasses of such animals which have died from any such disease."

The regulatory power of the Secretary of Agriculture in this instance is compulsory (21 U. S. C. 111). The wording of the law states that he has power "to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country . . . or from one State or Territory in the United States in

transit to another." The regulation, in itself, however, is deficient, so far as the alleged practices of some of the modern poultry packers are concerned (see daily CONGRESSIONAL RECORD, June 8, 1954, p. A4245). Its wording is such that chickens, not yet dead but suffering from any of the prescribed diseases, could be slaughtered and packed within a State for interstate shipment. In such instances, the poultry would not be shipped live, nor would it actually have died from any such disease, so that the shipment of the carcasses would come under the prohibition.

2. The second act which provides for inspection of poultry is the Agricultural Marketing Act of 1946 (60 Stat. 1087; 67 Stat. 205; 7 U. S. C. 1622-1627). The aim of this act was to promote a scientific approach to marketing of agricultural products. In order to accomplish this, it was suggested that the various types of activity required, such as inspection, regulatory work, and other services, be done in cooperation with State agencies and State departments of agriculture, and State bureaus and departments of markets.

The inspection and certification provision is contained in 7 U. S. C. 1622 (h):

"To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable, and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service authorized by this subsection. Any official certificate issued under the authority of this subsection shall be received by all officers and all courts of the United States as prima facie evidence of the truth of the statements therein contained."

The regulations issued hereunder are contained in 7 C. F. R. 70.1 through 70.410. They make provision for three main inspection activities: (1) the grading of poultry; (2) the inspection of poultry; and (3) the inspection of sanitary standards. A certificate to be used in marketing the poultry is given showing the completion of one, or a combination, or all of the above services.

Without going into the regulations in detail, certain determinative statements therein are herewith pointed out.

(a) Definitions (7 C. F. R. 70.01):

"Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of live poultry. By 7 C. F. R. 70.384, however, the grader is permitted to confine himself to the condition only, and the mark he then issues is a statement as to the sanitary standards of the handler, rather than a certification of the quality of the product.

"Inspector" means any graduate veterinarian or layman who is an employee of the USDA or of a State, who has been licensed by the Secretary of Agriculture to inspect (1) the condition and wholesomeness of dressed poultry; (2) the condition and wholesomeness of any edible product at any stage of the preparation of packaging thereof in the official plant where inspected and certified; (3) the condition and wholesomeness of any previously inspected and certified product which has not lost its identity; (4) the condition of dressed poultry. The comment on 7 C. F. R. 70.384, above, is also applicable here.

(b) Services performed (7 C. F. R. 70.3): Grading and inspection services of the following types may be rendered: (1) grading of live poultry; (2) certification of dressed poultry produced under sanitary conditions in official plants; (3) grading of dressed poultry produced under sanitary conditions at terminal markets and other receiving points; (4) inspecting of dressed poultry in official plants for processing as ready-to-cook poultry; (5) grading of ready-to-cook poultry, in an official plant, or at terminal markets and other receiving points; (6) inspection service in official canning plants.

Sanitary requirements are mandatory in official plants (7 C. F. R. 70.44). There is no similar regulation as to other places.

(c) Inspection (7 C. F. R. 70.151, 70.152, and 70.191):

The section outlining the Department of Agriculture inspection service states that ante mortem examination may be required by the Administrator. Both the Federal and the Federal-State cooperative services provide post mortem examination (9 C. F. R. 70.152, and 70.191).

(d) Fees and charges (7 C. F. R. 70.130): Any person requesting grading or inspection service shall pay certain fees and charges; the fees for services by United States agents shall be payable to the Treasurer of the United States; and the fees for services performed under any cooperative agreement with a State shall be payable as provided for in the agreement.

(e) Marks placed on poultry (7 U. S. C. 70.380-70.384):

The facsimile marks contained in the regulations, and the accompanying explanatory material show that four types of markings are provided: (1) Grade mark (quality); (2) inspection mark (wholesomeness); (3) a combination of the above; (4) dressed poultry (graded and inspected for condition only—not for quality or wholesomeness).

3. Two laws which permit inspection of a very limited nature, and whose chief purpose is other than detection of diseased fowl or protection of the public health are:

(a) The Department of Agriculture Organic Act (58 Stat. 734, sec. 101 (b), amended and superseded by act of August 4, 1950 (64 Stat. 413). This made permanent an authorization carried in the appropriations acts of 1935 and subsequent, allowing the USDA to administer regulations for the voluntary program of improved poultry breeding, and incidentally to aid in eradicating a disease called pullorum. The regulations hereunder are contained in title 9, Code of Federal Regulations, section 145.1 through 145.30.

(b) The act of March 3, 1927 (44 Stat. 1355; 7 U. S. C. 491-497) which permitted inspection of poultry by the USDA on behalf of any person aggrieved by malicious dumping or destruction of his products by any handler in interstate commerce.

MEAT INSPECTION

Meat inspection is currently conducted under the authority of the Meat Inspection Acts, beginning with the temporary act of 1906, made permanent by the act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71-91, 96) and the Imported Meat Act of June 17, 1930 (46 Stat. 689; 19 U. S. C. 1306). The regulations under these acts will be found in title 9, Code of Federal Regulations, section 1.1 through 28.1.

The three chief aspects of these laws are (1) the inspection extends only to cattle, sheep, swine, and goats, and meat and meat-food products made therefrom, (2) the inspection is mandatory except as to certain farmers and retailers under prescribed circumstances, and (3) the primary object of the inspection is to determine the wholesomeness of the meat for human consumption.

Paralleling the major provisions of the poultry-inspection service which we outlined above, the regulations for meat inspection provide the following:

(a) Definition (9 C. F. R. 1.1):

Limiting ourselves here to the qualifications for inspectors contained in the definitions, we find that inspectors and division employees are those "who are authorized by the director or chief of division to do any work or perform any duty in connection with meat inspection."

(b) Services performed (9 C. F. R. 9.1, 12.1, and 10.1):

Although an antemortem examination by law is discretionary with the Secretary of Agriculture (21 U. S. C. 71), he has exercised his discretion to make it mandatory. (9 C. F. R. 9.1 and 12.1.) The postmortem examination is mandatory by law (21 U. S. C. 72) and also required by regulation. It must be conducted, except in emergencies, at the time of slaughter. (9 C. F. R. 10.1.)

(c) Inspection (9 C. F. R. 2.1 and 5.3):

In section 2.1 of the regulation, it is stated that "every establishment" in which cattle, sheep, swine, or goats are slaughtered, or their products processed, is subject to mandatory inspection. Further, as a concomitant of such inspection, section 5.3 requires that inspection "shall not be begun if the establishment is not in a sanitary condition." Part 8 of the regulations, i. e., section 8.1 through 8.15 govern standards of sanitation required.

(d) Fees and charges: None.

(e) Markings (9 C. F. R. 1.1):

(1) "Inspected and passed" or "U. S. inspected and passed" or "U. S. inspected and passed by USDA." This shall mean that at the time they were inspected, passed, and so marked, they were found to be sound, healthful, wholesome, and fit for human food.

(2) "U. S. passed for cooking." These have been passed on condition they be cooked, rendered, etc., before used for human consumption.

(3) "U. S. passed for refrigeration." These must be refrigerated, or handled as required in section 11.1 through 11.34, governing carcasses of animals suffering from specified diseases.

(4) "U. S. inspected and condemned," found unwholesome, and must be disposed of; "U. S. retained," there is some doubt and the carcass or meat product is held for further examination; "U. S. suspect," also held for further examination; and "U. S. condemned" where the live animal is found in a dying condition from a disease that would cause condemnation of its carcass.

An inspection service similar to that conducted with respect to poultry is also conducted with respect to meat under the authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 67 Stat. 205; 7 U. S. C. 1622-1627). It provides grading service, for a fee, at any designated market or location. However, it states that products to be eligible for grading service must be prepared under Federal inspection (that is under the Meat Inspection Acts, above) or under other official inspection services. It also contains regulations governing this inspection, including a requirement of both ante mortem and post mortem inspection of each animal (7 C. F. R. 53.3). If the grading service is withdrawn, public notice must be given of the withdrawal (7 C. F. R. 53.5). This is the service which results in markings on meat and meat products of "prime," "choice," "commercial," etc.

SUGGESTIONS FOR DRAFT OF BILL

There are certain considerations which must be paramount in order to accomplish the objective of an effective inspection of poultry being shipped and marketed in interstate commerce. Among these we would suggest: (1) that the bill put inspection for

wholesomeness on a mandatory basis, ahead of all other types of inspection service; (2) that the bill obviate the deficiency in the regulations under the act of February 7, 1928 (noted above) respecting ill fowl being slaughtered and then shipped in interstate commerce; (3) if possible, the continued operation of the grade classification services under the Agricultural Marketing Act of 1946 should not be unduly hampered; (4) such mandatory poultry inspection service should be able to be effectuated in the most expeditious manner possible; and (5) the bill should contain adequate penalty provisions to enforce the law.

Under point (4) above, there are two things we have not gone into: first, an estimate of the cost of a mandatory inspection service, and secondly, the marketing pattern for live and/or dismembered poultry. The appropriation for the present meat inspection service for fiscal 1956 was \$14,325,000 (Public Law 40, 84th Cong.). The size and cost of an increased inspection force will undoubtedly depend on the marketing pattern. At present, live poultry dealers and handlers are licensed under the Packers and Stockyards Act (7 U. S. C. 218), but this regulation extends chiefly to financial responsibility. It is indicative, however, of the market pattern.

The only two previous bills which we have been able to find were introduced in 1929 and 1930 respectively. They are S. 5376 of the 70th Congress, and S. 5371 of the 71st Congress.

S. 5376 of the 70th Congress was based upon provisions of the Meat Inspection Act. The bill, in our opinion, is deficient in the following respects:

(a) All the material after the first semicolon in Twenty-first United States Code, at page 71, dealing with separate slaughter of suspected animals (it would be poultry in the bill) is omitted.

(b) The language of the bill with respect to both the ante mortem and post mortem inspection is a permissive "may cause to be made." In the law (21 U. S. C. 72), the post mortem inspection is mandatory.

(c) The following several provisions of the Meat Inspection Act are not included (21 U. S. C. 73, 74, 75).

(d) Section 5 of the bill, which, of course, is dated 1929, completely exempts retailers and farmers from inspection. The Meat Inspection Act, on the other hand, was modified by the act of June 29, 1938 (52 Stat. 1235), to provide a limited supervision over farmers and retailers, plus a penalty provision for transporting unwholesome meat (poultry) in interstate commerce by either of these.

S. 5371, 71st Congress, would provide a mandatory inspection service for drawn poultry and on through all the other processing stages. This bill makes mandatory an inspection service starting with a post mortem inspection and following through all the other stages of preparation and handling under regulations of the Secretary of Agriculture. The principal defect of the bill is that it limits inspection of chicken and turkey.

We would suggest as the simplest and most effective method of accomplishing the objective of a mandatory inspection of poultry would be to make necessary changes in the Meat Inspection Act (34 Stat. 1260). This act itself is not divided into sections. For your convenience, the examples given are based on the section distribution in the code.

(a) Where the present phrase reads "meat and meat products", change it to "meat and poultry, and meat and poultry products" or "meat and poultry, and meat products and poultry products" (21 U. S. C. 71).

(b) Where the present phrase reads "cattle, sheep, swine, and goats", change it to "cattle, sheep, swine, goats, and poultry" (21 U. S. C. 71).

(c) Where the present phrase reads "any slaughtering, meat canning, salting, packing, rendering, or similar establishment", add the term "dismembering" or some other comprehensive term that would cover the ready-to-cook processors in the poultry industry (21 U. S. C. 72).

We would also suggest that in 21 U. S. C. 71 the phrase the "Secretary of Agriculture, at his discretion, may cause to be made" be changed to the "Secretary of Agriculture shall cause to be made" and thereby give him legislative support for the regulation he has already promulgated relating to mandatory ante mortem inspection of animals subject to inspection under the act. This, together with the fact that all the phraseology after the semicolon of that section would be applicable to poultry suspected of disease, should obviate the deficiencies under the current regulations. Since a parallel grade classification of meat is carried on at the same time as the mandatory meat inspection, the suggested amendment of the act to include poultry should not hinder the continuance of the grading service under the Agricultural Marketing Act of 1946. The Meat Inspection Act contains penalties which would then become applicable to poultry handlers and dealers. We also call your attention to the fact that the above-suggested changes in terminology are also applicable to the act of June 29, 1938 (52 Stat. 1235; 21 U. S. C. 91), governing sale of products by farmers and retailers.

MARGARET M. CONWAY,
American Law Division.

DECEMBER 15, 1955.

Subsequently, Mr. Speaker, I turned this report over to the House Legislative Council for actual drafting of a bill to carry out the suggestions made by Miss Conway and the American Law Division. The first draft of the bill which I received back was as follows:

"FIRST DRAFT OF THE BILL

"A bill to amend the Meat Inspection Act to provide for the inspection of poultry to be shipped in interstate or foreign commerce

"Be it enacted, etc., That the portion of the act entitled 'An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908,' which appears after 'For meat inspection,' under the heading 'Bureau of Animal Industry' (21 U. S. C., sec. 71-93), is amended—

"(1) by striking out 'cattle, sheep, swine,' or 'cattle, swine, sheep,' each time either appears therein and inserting in lieu thereof 'cattle, poultry, sheep, swine,';

"(2) by striking out 'cattle, calves, sheep, lambs,' each time it appears therein and inserting in lieu thereof 'cattle, poultry, calves, sheep, lambs,';

"(3) by inserting 'or poultry' after 'animals' each time it appears therein;

"(4) by inserting 'dismembering', after 'rendering,' each time it appears therein;

"(5) by striking out of the first paragraph 'the Secretary of Agriculture, at his discretion, may cause to be made' and inserting in lieu thereof 'the Secretary of Agriculture shall cause to be made'; and

"(6) by inserting 'poultry' after 'beef' in the 15th paragraph thereof, beginning 'And no clearance shall be given.'

"Sec. 2. The amendments made by this act shall take effect — days after the date of its enactment."

AMALGAMATED PROPOSES INSPECTION BY FOOD AND DRUG ADMINISTRATION

Meanwhile, the top leadership of the meatcutters union was also working on the drafting of legislation, and came forward with bills which provided for compulsory poultry inspection by the Food and Drug Administration. When a draft of this legislation was brought to my attention, it was my view that it would be better to lodge this assignment with the Meat Inspection Branch

of the Department of Agriculture because I knew the Food and Drug Administration is and has been terribly undermanned and is and has been unable to obtain sufficient funds to do the tremendous job we have already placed upon its shoulders.

As a result of this difference of opinion on the best way to proceed, I agreed to hold off on the introduction of my bill in order to give the union officials an opportunity to obtain legislative action on the bill which they had prepared and sponsored. The important thing, of course, is to get legislation enacted.

In recent weeks, the Food and Drug Administration has definitely gone on record against being given the powers to administer a compulsory poultry inspection law. The Department of Agriculture, meanwhile, has gone on record as promising effective administration of a compulsory poultry inspection law if one were to be enacted putting this responsibility on the Department of Agriculture.

I have consequently introduced my bill after very substantial changes and elaboration from the first draft provided me by the legislative counsel. Although I am not a lawyer, it seemed to me the first draft did not cover the ground completely.

The bill which I introduced today is as follows:

"H. R. 11800

"A bill to amend the Meat Inspection Act (34 Stat. 1260, as amended) and the Tariff Act of 1930 (46 Stat. 689, sec. 306) to require compulsory inspection for wholesomeness of poultry and poultry products

"Be it enacted, etc., That the Congress of the United States finds that poultry and poultry products are being marketed through the channels of interstate and foreign commerce without adequate inspection to protect the public against poultry and poultry products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food.

"To protect the general consuming public, to protect the health of persons engaged in the processing and distribution of poultry and poultry products, to prevent the spread of disease through shipments in interstate and foreign commerce of unwholesome poultry and poultry products, and to promote the wider use of poultry through assurance to the consuming public of its wholesomeness and freedom from disease, thus assisting agriculture and the food marketing industries in expanding their sales and augmenting their important contributions to our economic system, the following amendments are made to the Meat Inspection Act (34 Stat. 1260, as amended) and the Tariff Act of 1930 (43 Stat. 689, sec. 306) giving the Secretary of Agriculture power to inspect, condemn, or regulate any shipments of poultry in interstate or foreign commerce, or any shipment thereof which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity.

"SEC. 2. The first paragraph of the act of March 4, 1907 (34 Stat. 1260; U. S. C. 71) authorizing inspection of cattle, sheep, swine, and goats before slaughter is amended to require such ante mortem inspection of cattle, sheep, swine, goats, and poultry, as follows:

"(a) by striking out the phrase 'meat or meat products' and inserting 'meat or poultry, and meat or poultry products';

"(b) by striking out the words 'at his discretion may' following the words 'Secretary of Agriculture' and inserting the word 'shall';

"(c) by striking out the phrase 'cattle, sheep, swine, and goats' wherever it appears, and inserting 'cattle, sheep, swine, goats, and poultry';

"(d) by adding to the phrase 'any slaughtering, packing, meat-canning, rendering, or

similar establishment', the words 'or poultry processing plant';

"(e) By striking out the phrase 'the meat and meat food products thereof are to be used in interstate or foreign commerce' and inserting 'the meat or poultry or poultry pieces, and meat or poultry food products thereof are to be used in interstate and foreign commerce';

"(f) by adding at the end of said paragraph 'Provided, That at his discretion the Secretary of Agriculture may also regulate any shipments of poultry or poultry products which directly burden, obstruct, or affect interstate or foreign commerce.'

"SEC. 3. The second paragraph of the act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 72) dealing with post mortem inspection of carcasses, labeling and marketing, destruction of condemned carcasses and reinspection, is amended:

"(a) by striking out the phrase 'cattle, sheep, swine, and goats' wherever it appears, and inserting 'cattle, sheep, swine, goats, and poultry';

"(b) by adding to the phrase 'any slaughtering, meat-canning, salting, packing, rendering, or similar establishment', the words 'or poultry processing plant';

"(c) by adding after the words 'and carcasses and parts thereof of all such animals', wherever they appear, the words 'or poultry';

"(d) by adding 'or poultry processing plant' after the words 'any such establishment' and 'any establishment' in the clauses dealing with removal of inspectors from establishments failing to comply with requirements hereunder.

"SEC. 4. The third paragraph of the act of March 4, 1907 (34 Stat. 1261; 21 U. S. C. 73) dealing with the examination of carcasses brought into slaughtering or processing establishments, and meat-food products issued from and returned thereto, is amended:

"(a) by striking out the phrase 'cattle, sheep, swine, and goats' and inserting 'cattle, sheep, swine, goats, and poultry';

"(b) by striking out the phrase 'meat or meat products' and inserting 'meat or poultry, or meat or poultry products';

"(c) by adding to the phrase 'any slaughtering, meat-canning, salting, packing, rendering, or similar establishment', the words 'or poultry processing plants';

"(d) by striking out the phrase 'treated and prepared for meat food products' and inserting 'treated and prepared for meat or poultry food products.'

"SEC. 5. The fourth paragraph of the act of March 4, 1907 (34 Stat. 1261; 21 U. S. C. 74) dealing with the powers of meat inspectors in approving sound, healthful, and wholesome products and in condemning and causing the destruction of unsound, unhealthful, and unwholesome products, is amended:

"(a) by striking out the phrase 'meat food products' wherever it appears and inserting 'meat or poultry food products';

"(b) by adding to the phrase 'any slaughtering, meat-canning, salting, packing, rendering, or similar establishment' the words 'or poultry processing plant';

"(c) by striking out the phrase 'meat or meat food products' and inserting 'meat or poultry, or meat or poultry food products';

"(d) by striking out the phrase 'condemned meat food products' and inserting 'condemned meat or poultry food products.'

"SEC. 6. The fifth paragraph of the act of March 4, 1907 (34 Stat. 1261; 21 U. S. C. 75) dealing with labeling requirements, is amended:

"(a) by striking out the phrase 'meat or meat food products' in the four instances where it appears, and inserting 'meat or poultry, or meat or poultry food products.'

"SEC. 7. The sixth paragraph of the act of March 4, 1907 (34 Stat. 1262; 21 U. S. C. 76) governing sanitary inspection and regula-

tion of the premises of slaughtering and packing establishments, and rejection of products of unsanitary establishments, is amended:

"(a) by adding to the phrase 'any slaughtering, meat-canning, salting, packing, rendering, or similar establishment', the words 'or poultry processing plant';

"(b) by striking out the phrase 'cattle, sheep, swine, and goats' and inserting 'cattle, sheep, swine, goats and poultry';

"(c) by striking out the phrases 'meat and meat products' and 'meat or meat products' and inserting 'meat or poultry, or meat or poultry food products.'

"SEC. 8. The seventh paragraph of the act of March 4, 1907 (34 Stat. 1262; 21 U. S. C. 77) permitting inspections during the nighttime as well as during the daytime, when slaughtering is conducted during the nighttime, is amended:

"(a) by striking out the phrase 'cattle, sheep, swine, and goats' and inserting 'cattle, sheep, swine, goats, and poultry.'

"SEC. 9. The eighth paragraph of the act of March 4, 1907 (34 Stat. 1262; 21 U. S. C. 78) dealing with transportation of carcasses, meat, or meat food products not properly inspected and marked, is amended:

"(a) by striking out the phrase 'meat or meat food products' and inserting 'meat or poultry, or meat or poultry food products';

"(b) by adding at the end of said paragraph 'Provided, That nothing in this section shall preclude the Secretary of Agriculture from regulating shipments of poultry or poultry products which directly burden, obstruct, or affect interstate or foreign commerce.'

"SEC. 10. The 17th paragraph of the act of March 4, 1907 (34 Stat. 1264; 21 U. S. C. 87) dealing with transportation or sale of meat or meat food products not complying with the inspection laws, is amended:

"(a) by striking out the phrase 'meat or meat food products' wherever it appears, and inserting 'meat or poultry, or meat or poultry food products';

"(b) by adding to the phrase 'any slaughtering, meat-canning, salting, packing, rendering, or similar establishment' the words 'or poultry processing plant.'

"SEC. 11. The 19th paragraph of the act of March 4, 1907 (34 Stat. 1264; 21 U. S. C. 89) dealing with the appointment, duties, and regulations governing inspectors, is amended:

"(a) by striking out the phrase 'cattle, sheep, swine, and goats' and inserting 'cattle, sheep, swine, goats, and poultry';

"(b) by striking out the phrases 'meats and meat food products' and 'meat and meat food products' and inserting 'meat or poultry, or meat or poultry food products';

"(c) by striking out the words 'meat food products' wherever they appear and inserting 'meat or poultry food products.'

"SEC. 12. The 21st paragraph of the act of March 4, 1907, as amended (34 Stat. 1265, as amended by 52 Stat. 1235; 21 U. S. C. 91) exempting certain farmers, retail butchers and retail dealers from the inspection provisions of the Meat Inspection Act, is further amended by adding the following subsection thereto:

"(d) The Secretary of Agriculture is hereby authorized to establish the basis on which certain categories of poultry raisers, retail poultry butchers, and retail poultry dealers are exempted from the inspection requirements of this act: *Provided*, That these exemptions shall be based on maximum volume limitations which are fair and reasonable in relation to other exemptions in this section: *And provided further*, That such exempt poultry raisers, retail poultry butchers and retail poultry dealers shall be subject to the provisions of the second paragraph of subsection (c) above for violations of the requirements of this act.

"SEC. 13. The authorization included in the act of June 30, 1906 (34 Stat. 679, as amend-

ed by 48 Stat. 1225; 21 U. S. C. 95) is amended:

"(a) by striking out the phrase 'cattle, sheep, swine, and goats' and inserting 'cattle, sheep, swine, goats, and poultry';

"(b) by striking out the phrase 'meat and meat food products' and inserting 'meat or poultry, and meat or poultry food products.'

"SEC. 14. The act of June 5, 1948 (62 Stat. 344; 21 U. S. C. 98) providing for payment of costs of the inspection service by the United States, is amended by striking out the phrase 'meat and meat food products' and inserting 'meat and poultry, and meat and poultry food products.'

"SEC. 15. Section 306 of the Tariff Act of 1930 (46 Stat. 689; 19 U. S. C. 1306) dealing with the importation of meat and meat products is amended:

"(a) by inserting the words 'or poultry' in subsection (b) thereof after the words 'meat' or 'meats' wherever they appear;

"(b) by striking out the phrase 'cattle, sheep, and other domestic ruminants, and swine' in subsection (c) thereof, and inserting 'cattle, sheep, and other domestic ruminants, poultry, and swine'; and in the same subsection (c) thereof, inserting after the word 'meats' the words 'or poultry.'

"SEC. 16. The compulsory poultry inspection provided for by this act shall commence on the first day of the sixth month after enactment hereof."

ANTE MORTEM INSPECTION MADE MANDATORY

It will be noted, Mr. Speaker, that my bill not only amends the Meat Inspection Act to include poultry and poultry products in the same way that cattle, sheep, swine, and goats are covered under that act, but that, in one particular, it also amends the act as it applies to those other meat animals. That is in section 2, which would make it mandatory to have ante mortem inspection not only of poultry but of the other animals as well.

The act presently says that the Secretary of Agriculture may at his discretion require such ante mortem inspection of cattle, sheep, swine, and goats. Actually, by regulation, he requires this type of examination before slaughter. In order to make it clear that it is the intent of Congress to require such ante mortem inspection of poultry, also, I have proposed in my bill this change in the basic statute to make ante mortem inspection mandatory for all of the meat varieties covered.

APPLICATION TO INTERSTATE SHIPMENTS

Another provision of my bill which involves more than merely including poultry along with beef, lamb, pork, and so on under the Meat Inspection Act, also contained in section 2 of my bill, would empower the Secretary of Agriculture to regulate certain shipments of poultry in interstate commerce. These would be shipments which directly burden, obstruct, or affect interstate commerce.

The concept of including some intrastate as well as all interstate shipments of poultry under compulsory inspection laws has been suggested, as I understand it, by the poultry industry itself. The feeling on the part of some of the industry people, as it has been reported to me, is that where interstate and intrastate shipments are commingled in the same establishments, or where they directly compete in such way as to affect the interstate sales, that fairness requires all shipments be inspected.

While this raises legal issues I do not personally feel qualified to discuss, nevertheless I am informed by experts in the legal questions involved that the Supreme Court has upheld this concept as it applies to milk marketing and that it could, therefore, be applied to poultry. I have included this in my bill, because it is my understanding that there is widespread support within the poultry industry for compulsory inspection if it

is fairly extended to all groups competing in the major market areas.

EXEMPTIONS

The Meat Inspection Act presently exempts farmers and certain categories of retail butchers and retail dealers, providing, of course, that they do not ship in interstate commerce products which are diseased or unfit in violation of the law. The exemptions for butchers and dealers are based on the number of animals or carcasses they ship per week. Having no means by which I could translate these standards into terms of chickens, ducks, or turkeys, for instance, I have instead provided that the Secretary of Agriculture should determine such exemption standards as they should apply to poultry raisers, butchers, or dealers. He would be expected to set standards which would be fair in relation to those now applying to butchers and dealers under the Meat Inspection Act.

PRIOR TO 1956, LAST SUCH BILL WAS IN 1930

The research material which I have received from the Library of Congress, and which I have inserted above, shows that up to the time this memo was prepared for me in December, there had not been a bill introduced in the Congress dealing with this subject of compulsory inspection of poultry since 1930.

This year, we have seen the introduction of a number of bills, and I think all of us are pleased to see such interest in the serious problem of assuring wholesome poultry supplies.

My bill differs from the others in that it is the only one, I believe, which provides for compulsory inspection of poultry on exactly the same basis as we now inspect the other meats. The penalties are the same. The exemptions would be the same. The procedures would be exactly the same. The valuable enforcement history built up by the Meat Inspection Branch these past 50 years would now become available for the enforcement of poultry inspection. No elaborate new definitions, subject to endless litigation, would be necessary.

This has been the approach suggested to me by the research people in the American Law Division, and I think it is the best of the various approaches proposed to this important issue.

ADEQUATE APPROPRIATIONS WILL BE REQUIRED

Recently, a friend in St. Louis, Mr. August Gieseke, secretary-treasurer of the Meat Cutters Union Local 88, wrote to me on behalf of the local, urging my support for the bills which the international has sponsored on this subject. Our exchange of correspondence was as follows:

AMALGAMATED MEAT CUTTERS

AND BUTCHER WORKMEN

OF NORTH AMERICA,

AFL-CIO, LOCAL NO. 88,

St. Louis, Mo., March 9, 1956.

The Honorable Congresswoman Mrs. JOHN B. SULLIVAN,

House Office Building,

Washington, D. C.

DEAR MRS. SULLIVAN: Our union membership of 3,100 people, which consists of retail meatcutters and poultry workers who slaughter and dress poultry, are very much interested in bills H. R. 8599, H. R. 9006, and S. 3176, pertaining to Federal poultry inspection and industrial safety for poultry workers.

We are in a position to know firsthand that an inspection law is sadly needed to protect the consumer. Fowl is subject to tuberculosis and is also a disease carrier, same as any farm animal.

The consumer is not aware how dangerous it is to consume fowl which is not processed in a sanitary condition, especially diseased poultry.

We strongly urge you to support these bills for the public's protection.

Thanking you in advance for your favorable support, I am

Sincerely yours,

AUG. GIESEKE,

Secretary-Treasurer, Meat Cutters Union Local No. 88, AFL-CIO, St. Louis, Mo.

MARCH 14, 1956.

Mr. AUG. GIESEKE,
Secretary-Treasurer, Meat Cutters Union, Local 88, AFL-CIO, St. Louis, Mo.

DEAR MR. GIESEKE: I appreciated hearing from you in regard to the bills for the inspection of poultry, as urged by local 88 and also by the international officers of the Amalgamated Meat Cutters and Butcher Workmen. I am sure you know that this matter of diseased poultry being sold in interstate commerce is of very great concern to me as a Member of Congress interested in the consumer.

I have been in correspondence with the international officers of the Amalgamated on this question, and at their request I have held back on introducing a bill which I have had prepared. By bill would call for the inspection of poultry on exactly the same basis as beef and pork are inspected by the Department of Agriculture. However, the bills which the Amalgamated is sponsoring would place poultry inspection under the Food and Drug Administration.

We are in some disagreement as to the best basis for proceeding, but there is no disagreement between us as to the need for legislation. Because of the work the Amalgamated has done in bringing this matter to public attention, I am deferring to President Jimerson and the other officials of the Amalgamated on the question of strategy for the time being. So I am holding up on it for the time being, as I said.

Please be assured I will do everything I can to get legislation enacted for effective poultry inspection by the Federal Government. But even if we succeed in that, then there is the additional need for adequate appropriations. These are among my main objectives in Congress.

With kindest personal regards, I am,

Sincerely yours,

LEONOR K. (Mrs. JOHN B.) SULLIVAN,
Member of Congress, Third District,
Missouri.

As I pointed out to Mr. Gieseke, Mr. Speaker, our responsibility here is not only to enact laws which will require inspection of poultry for wholesomeness, but—wherever we put the authority or regardless of the type of bill we pass—we must make sure adequate funds are appropriated to carry on the work. That is where we have fallen down in the past in our handling of pure food and drug laws. We write laws providing for penalties for selling unsafe or unwholesome foods or drugs or cosmetics, but we have not given the Food and Drug Administration the money it needs to police these very excellent laws.

Mr. Speaker, in connection with the introduction today of my poultry inspection bill, H. R. 11800, and in connection with these remarks on the House floor, I have submitted some rather lengthy material for the CONGRESSIONAL RECORD. Normally, I do not like to load down the RECORD with extraneous material. In this instance, I think it serves a highly useful purpose in bringing together in one place the basic information available on this important issue. I am including one further document, as exhibit B following my remarks, in the form of a memorandum from the Amalgamated Meat Cutters Union going into the actual conditions under which poultry is now being marketed.

I have received and read a vast amount of material on this subject. Some of it has

been so graphic, so shocking, that I have decided against using it here. But this memorandum is a calm and objective report which, I believe supplements the other document from the Public Health Service, and so I include them both. I hope, as I said, that the Members can find the time to read these reports. If so, I know we will act to stop this evil.

Mr. Speaker, Exhibit A: Poultry Diseases Transmissible to Man, is as follows:

"EXHIBIT A

"POULTRY DISEASES TRANSMISSIBLE TO MAN, INCLUDING SUMMARY REPORT OF OUTBREAKS

"(By Mildred M. Galton, bacteriologist, Communicable Disease Center, Public Health Service, Federal Security Agency, Atlanta, Ga., assigned to Bureau of Laboratories, Florida State Board of Health, Jacksonville, Fla., prepared for the Chief Veterinary, Public Health)

"The diseases of poultry to which man is also susceptible comprise a rather large group. In his excellent review Ingalls (1) lists 26 such diseases including those caused by bacteria viruses, fungi, and protozoa. It is apparent that some of these diseases constitute a considerable hazard to public health.

"In a more recent discussion of this subject, Brandly, C. A. B., (2) pointed out that interspecies infection cycles usually favor similar hosts, thus, a disease in animals generally would have a greater chance of thriving if transmitted to related species than to avian hosts. He emphasized, however, that this may not always be true and discussed the nature of the host-parasite relationship of certain diseases common to man and fowl. Earlier, these infections were discussed by Brandly, P. J., (3) from the standpoint of poultry inspection and public health. In the present report the current status as public health hazards of the following diseases common to man and fowl will be reviewed:

"Bacterial: Salmonellosis, paracolon infections, erysipelas, staphylococcosis, streptococcosis, tuberculosi, brucellosis, listeriosis, tularemia, pseudotuberculosis, and diphtheria.

"Viral: Equine encephalomyelitis, new-castle disease, psittacosis, and rabies.

"Fungal: Favus, thrush, and aspergillosis.

"Parasitic: Dermanyssus gallinae, Toxoplasmosis.

"Salmonellosis

"The role of fowl, swine, cattle, and many other animals as a source of outbreaks of salmonellosis in man has been established but only during the past decade has great emphasis been placed upon the public health significance of these reservoirs in the epidemiology of Salmonella infections. There have been numerous reports incriminating poultry or poultry products in outbreaks of the disease in man. The studies of Edwards, Bruner, and Moran (4) indicate that fowls are the largest single reservoir of Salmonella in this country. While *S. pullorum* and *S. typhimurium* are the most common types, these authors found a greater number of Salmonella types (60) in fowl than any other species except man. Of these at least 56 have been found in humans. As pointed out by Hinshaw and McNeil (5, 6) 'there may well be no truly avian nor truly human types; in fact such a description frequently means only priority in isolation.' They observed 7 cases of gastroenteritis among attendants on poultry farms caused by contact with acute outbreaks in poultry. Further evidence indicated the transmission of Salmonella to fowl by human carrier attendants on the ranch. All types are potentially pathogenic for man, animals, and fowls. In poultry as in man (8, 9) and other animals (4) Salmonella infection depends

largely upon age and general resistance rather than upon the type of Salmonella, the young appearing most susceptible. *S. pullorum* until recently considered relatively nonpathogenic for man has been incriminated as the cause of one large outbreak of food poisoning (10) and several sporadic cases (11, 12). In Florida, *S. pullorum* has been isolated from cases of mild enteric fever and gastroenteritis in three individuals.

"Considerable evidence is accumulating concerning the presence of Salmonella in poultry meat. Cherry, Barnes, and Edwards (13) report the recovery of a nonmotile Salmonella from the skin of frozen turkeys. Galton, Mackel, and Haire (14) isolated anatum, from material appearing to be encysted egg yolk in a frozen chicken. Schneider and Gunderson (15) found 4 Salmonella types on the skin of 4.4 percent of 1,014 eviscerated chickens. They concluded that the customary methods of sanitation in the plant did not eliminate Salmonella. Most of these birds had been frozen and stored for some time. Browne (16) found that *S. typhimurium* survived for at least 13 months on the skin of frozen turkeys. It is thus apparent that freezing does not kill all of the Salmonella.

"More recently, attention has been given to the study of Salmonella in the environment of poultry processing plants. Browne (16) studied a turkey processing plant and isolated *S. typhimurium* from trays on which viscera were placed, pans in which cleaned giblets were stored, waste buckets and hands of eviscerators, trimmers, and inspectors. These organisms were also obtained from the loading platform, scalding chute, and floor, from the final wash trough, and even from dust on the rafters.

"During an extensive study of the bacteriology of commercial poultry processing, Kyle, McFadden, and Gunderson (17) isolated Salmonella from the hands of workers on the evisceration line, from the skin of birds ready for storage, from organs of the chickens, and other items on the evisceration line. Reports of outbreaks of food poisoning following the consumption of poultry meat are numerous as evidenced by the weekly reports of the National Office of Vital Statistics (see table 1).

"Reports implicating raw, frozen, or dried eggs as sources of Salmonella outbreaks appear frequently. Watt (18) reported such an outbreak attributed to raw eggs which contained *S. montevideo*. *S. tennessee* was isolated from frozen whole eggs and from powdered eggs by Schneider (19). Extensive studies on the occurrence of Salmonella types in dried egg powder have been reported by Schneider (20), Soloway (21) and associates, and the British investigators (22). Further studies on heat resistance and destruction by pasteurization of Salmonella organisms isolated from spray dried or liquid whole egg have been reported by Soloway et al. (23), Winter et al. (24, 25), and Goresline (26 et al.). The investigation carried out by Goresline et al. revealed that pasteurization can be used successfully, under processing-plant conditions, to produce liquid, frozen, and dried whole eggs free of Salmonella. They recommend flash heating the liquid whole egg to 140° F. and holding at that temperature for 3 minutes to kill any Salmonella present.

"That breaks in the pasteurization procedure do occur in large processing plants is indicated by a recent announcement in the Associated Press (November 28, 1952) in which the Food and Drug Administration issued a warning to the public to discontinue use of Swift & Co.'s canned dried egg yolk due to the presence of Salmonella organisms. This product had been pasteurized.

"McCullough and Elsele (27) were able to produce clinical salmonellosis in 32 human

volunteers by experimental infection with strains of Salmonella meleagridis and Salmonella anatum derived from spray dried whole egg. Similar studies (28) with *S. newport*, *S. derby*, and *S. bareilly* resulted in clinical illness in 15 subjects, and with 4 strains of *S. pullorum* (29) there were 27 cases of human illness.

"It is thus obvious, as emphasized by Hinshaw and McNeil (5) that 'both from a poultry economic and public health standpoint, Salmonellosis is a hazard which should be eliminated.' These investigators present the following essentials for prevention of the disease in poultry: (1) 'elimination of known infected flocks as sources of replacements for breeding flocks (2) the use of separate hatching facilities for eggs from such flocks (3) the frequent use of diagnostic laboratories, to discover new outbreaks which may endanger future replacement sources (4) the recognition of numerous animal reservoirs of these diseases which must be controlled to prevent transmission (5) fly control, and (6) cooperation of growers, hatcheries, veterinarians and State agencies in securing replacements from salmonellosis-free sources.

"Paracolon infections

"The significance of the etiologic relationship between paracolon organisms and enteric infections in man is difficult to determine due to the frequent recovery of some of these strains from the feces of apparently healthy persons and the lack of adequate methods of classification of different types. However, there have been numerous reports (8, 9, 30, 31) indicating pathogenicity of some types.

"Many of the paracolon organisms contain antigens common to the Salmonella and Shigella groups. This is particularly true of the Arizona group of paracolons which are closely related to the Salmonella. The excellent work of Edwards and his coworkers (32, 33, 34, 35) in establishing a satisfactory serologic classification for the Arizona group and presentation of epidemiological data leaves no doubt that these paracolon organisms are pathogenic for animals. The majority of cultures of this group that have been studied were isolated from fowls, egg powder, and reptiles. Many cultures were obtained by Hinshaw and McNeil (36, 37) during studies of infections among reptiles and turkeys. The symptoms and pathology in birds infected with these paracolon bacilli are comparable to those which occur in salmonellosis in fowls. The organisms have been isolated from heart blood, and all organs indicating a definite septicemia; young fowls, particularly poult, appear more susceptible. Mortality in flocks was comparable to that found in Salmonella infections. The spread of the infections by hatcheries and through eggs has been clearly established (35, 36).

"There have been scattered reports of the isolation of Arizona paracolon bacilli from man. Of 456 cultures studied by Edwards, West and Bruner (35) 5 were from human sources. All were from cases of enteric infection in which no other pathogenic organisms were recognized. Verder et al. (38) isolated a paracolon identified by Edwards as Ar. 1, 2:1, 2, 5 from 70 percent of patients cultured during an outbreak of gastroenteritis involving 51 student nurses. The organism was not obtained from 16 normal students cultured. Buttiaux and Kesteloot (39) reported the isolation of paracolon bacilli similar to the Arizona group from 6 patients, 3 with acute enteric disease, 2 with chronic colitis, and 1 with a typhoidlike fever. In 1950, Murphy and Morris (40) described 2 small outbreaks of gastroenteritis, both of which were associated with a member of the Arizona paracolon group. In both episodes, evidence relating to source of infection, incubation period and symptoms of individuals involved resembled the pattern observed in food infections due

to *Salmonella*. Bacteriological findings indicated the paracolonic bacillus was the etiologic agent.

"Thus, the necessity for the prevention and control of this infection in fowl is obvious.

"Erysipelas

"The occurrence of a septicemia associated with *Erysipelothrix rhusiopathiae* the causative agent of swine erysipelas and erysipeloid infection in man, has been reported in many species of birds. Fish though not susceptible carry the organism on the slime. The disease is relatively common in turkeys and ducks (41, 42, 43). It is characterized in acute cases by febrile symptoms and occasionally diarrhea; death may occur in 1 to 2 days; in chronic cases by loss of appetite, diarrhea and gradual emaciation (44). Diagnosis depends upon bacteriological examination as lesions are indefinite and not usually considered pathognomonic. The infection in man, first recognized by Rosenbach, in 1884, may occur as a mild, localized cutaneous lesion, sometimes accompanied by mild arthritic symptoms; as a diffuse or generalized cutaneous eruption, with arthritic symptoms and negative blood culture or as a septicemic form with endocarditis (45). Chronic cases of long duration have also been reported (46).

"Erysipeloid has long been recognized as an occupational disease of abattoir employees, veterinarians, butchers, kitchen workers and those handling poultry and fish (47). In a review of 100 cases Klauder (48) was able to obtain a history of contact with animals, animal products or fish. Stiles (41) reported cutaneous lesions and symptoms of erysipeloid in the owners of an infected turkey flock. Successful treatment of the disease in man with penicillin has been reported frequently (46, 49, 50). Stiles considered the public health significance of marketing possible infected turkeys and outlined the procedure followed in an outbreak in one flock. Apparently healthy fowls were marketed to a processing plant where they were subjected to Federal inspection. Questionable birds were rejected and the slaughtered birds were boned and sterilized by canning.

"According to Klauder (48), the virulence of *E. rhusiopathiae* varies in different species and in the same species. The organism has the capacity to change suddenly from a harmless saprophyte to a pathogenic parasite. Although man is relatively immune when the organism enters the gastro intestinal tract, cutaneous infections appear rather commonly. Skalova (51) in Yugoslavia has reported one fatal case of infection with *E. rhusiopathiae*.

"Staphylococcosis

"Staphylococci are widely distributed in nature but they may cause a variety of disease entities in man, domestic animals and fowl. Avian staphylococcosis has been reported in turkeys by Jungherr (52) Hinshaw and McNeil (53) and Hinshaw (54), in geese by Lucet (55), in ducks by Van Heelsbergen (56), and less frequently in chickens (57, 58). In fowl the infection occurs as an acute septicemia or chronic arthritis also known as bursitis, hock disease, osteitis or synovitis. In man, the most frequent manifestation is food poisoning, produced by an enterotoxin liberated by the growth of some staphylococcus strains in food prior to ingestion. Septicemia occurs occasionally in man. Although no reports have been found concerning the transmission of fowl staphylococcosis to humans McNeil (59) states that they have isolated *Micrococcus pyrogenes* from boils on the hands of workers in poultry killing plants. This potential source of infection in man warrants further study.

"Streptococcosis

"Streptococcus infections occur in both man and birds. Ingalls (1) is of the opinion

that the infection in poultry does not play a prominent part in human disease, however, he has observed that the handling, dressing or eating of infected birds may serve as a source of infection in man. Acute streptococcal septicemia in fowls was first observed in this country by Norgaard and Mohler, 1902 (60) and later by Hudson (61). The disease is highly fatal. A chronic infection of hens due to hemolytic streptococci (group C) was reported by Edwards and Hull (62). Buxton (63) in England reports an acute infection of poultry due to streptococcus zoepidemicus which became chronic after 4 weeks. Edwards (64) states that all streptococcal infections of poultry that he has encountered have been due to the so-called animal group C types. A search of the literature revealed no reports of infection of fowls due to group A streptococcus strains.

"Tuberculosis

"Avian tuberculosis is widely distributed in poultry throughout the central and north central sections of the United States. It frequently also infects swine, occasionally cattle and rarely man. It is most common in chickens and pigeons, although it does infect other species of fowl. Chickens are susceptible only to the avian type of the tubercle bacillus. The question of the pathogenicity of avian tubercle bacilli for man has received much speculation. Feldman (65) has reviewed the literature up to 1938 and concluded that although human infection does occur, it is very rare. He further observed that many of the reported cases were inadequately or incompletely studied resulting in a questionable diagnosis of avian tuberculosis. Rich (66) reviewed the data available up to 1944 and 'noted that if progressive tuberculosis is ever produced in the human being by the avian tubercle bacillus it must be only rarely.'

"There have been a few confirmed cases, however, in which the organisms were identified. Bradbury and Younger (67) reported a case of pulmonary tuberculosis in a man from whom organisms were identified as the avian type on three occasions. This man had consumed 1 or more raw eggs a day for 30 years providing a possible source of infection. Avian tubercle bacilli were also isolated from a mediastinal lymph node from a man (68). A diagnosis of Hodgkin's disease had been made. Another isolation was reported from a case diagnosed as Boeck's sarcoid in a 50-year-old woman who had lived on a farm in Norway where tuberculosis of chickens was common (69).

"In chickens the disease is characterized by its chronicity and by lesions in the liver, spleen, kidneys, ovaries, intestines, and bone marrow. Large numbers of organisms are disseminated in fecal material. The bacilli are occasionally present in eggs from tuberculous hens.

"Feldman (70) makes the following statements concerning the suitability of tuberculous fowl for human consumption: 'When food markets are supplied from territories where tuberculosis is prevalent among chickens, the question of the suitability of the tuberculous fowl for human consumption is important. The problem is pertinent, not only because of the possible transmission of avian tuberculosis to human beings, but also because of the natural aversion of most people to food prepared from diseased animals. In the absence of a nationwide, efficient post mortem inspection of poultry, the only assurance to the consuming public that carcasses of dressed poultry represent healthy animals is the integrity of the merchant and the ability of the laity who dress fowl to recognize morbid processes.'

"Brucellosis

"Natural outbreaks of *Brucella* infection on poultry farms have been described in Italy by Florentine, in France by Dubois

(71) and in the United States by Emmel (72). The symptoms in birds appear quite variable. In some, general debility, diarrhea, and paralysis are observed with high mortality; in other, no symptoms appear. Post mortem examination shows enlargement of spleen, degeneration of liver and kidney with necrotic foci and enteritis. Emmel and Huddleson (73, 74) were able to produce infection in fowl by feeding naturally infected milk, portions of an aborted fetus and cultures. They also reported the occurrence of natural infection in four flocks. Pagnini (75) attempted to infect chickens by giving them gelatin capsules containing *Brucella*. He succeeded only when employing large numbers of organisms and concluded that chickens were not of great significance in the spread of brucellosis. Pavlov (1938) (76) reported 5 of 7 rabbits placed with infected chickens became infected and died in 3 months. *Brucella* organisms were isolated from the rabbits. None of 3 normal chickens and 10 normal guinea pigs, placed with the infected chickens showed evidence of infection. Eggs from chickens infected with massive doses of *Brucella* were found to contain the organism only between the 4th and 14th day after infection.

"The experiments of Felsenfeld and his associates (77) showed that intramuscular, and intraperitoneal infections and feeding of *Brucella*, caused bacteremia, fecal excretion of organisms and the appearance of significant serum agglutinin titers. They also observed cross reactions with *Vibrio cholerae*, *Proteus OX-19* and *S. pullorum* antigens. *Brucella* were transmitted to normal chickens by feces from infected chickens. These investigators point out the possibility of misinterpreting pullorum disease in flocks of chickens with *Brucella* infection due to the cross reactions with pullorum antigens. They have observed also the difficulty in detecting infected chickens during inspection due to the frequent absence of significant pathology.

"Since birds can become infected with *Brucella* and may thus transmit the disease to other fowl, domestic animals and man, efforts to prevent the contact of poultry with infected mammals should be taken.

"Listeriosis

"*Listeria monocytogenes* is a causative agent of sporadic cases of meningitis in man and also has been isolated from the blood of patients with an infectious mononucleosis-like syndrome (78). In chickens it produces a specific septicemia with apparently few clinical symptoms. Necrotic lesions of the heart muscle and generalized edema may occur. Many other hosts are susceptible to spontaneous infection including the goat, sheep, cow, fox, guinea pig, and rabbit. It is noteworthy that the encephalitic symptoms, characteristic of listeriosis in domestic mammals have not been observed in naturally affected chickens.

"Distribution of the infection in man and animals appears to be worldwide (78, 79); in chickens outbreaks have been reported in many parts of the United States and England (80, 81, 82).

"Although no reports have been found to indicate direct transmission of *Listeria* infection from poultry to man the fact that both are susceptible warrants consideration of the situation from a public-health standpoint.

"Pasteurelia

"Tularemia

"According to Burroughs (83) grouse, sage hen, quill, and horned owl have been found naturally infected with tularemia. At least two cases of tularemia (84, 85) have occurred in man where the source of infection was attributed to pheasants dressed by the individuals. Apparently the disease does not exist or is very rare in poultry since it is

not referred to in *Disease of Poultry* edited by Biester and Schwarte in 1948.

"Pseudotuberculosis

"Pseudotuberculosis caused by *Pasteurella pseudotuberculosis* rodentium, is a disease occurring in birds, animals, and man (86, 87). It is characterized by an acute septicemia of short duration followed by a chronic focal infection which gives rise to tubercular lesions in various organs. In fowl, outbreaks have been reported chiefly in turkeys and rarely in ducks, pigeons, and chickens causing considerable losses in the former. In man it appears to be rare but highly fatal. Meyer (88) refers to reports of 14 human cases, 11 of which terminated fatally. According to Meyer the mode of transmission is not definitely known, but it is believed that *P. pseudotuberculosis*, widely distributed in nature and disseminated through infectious excretions of affected birds or rodents, attacks susceptible animals through the digestive tract. Usually the abdominal viscera are primarily diseased. Injuries of the skin may also serve as portals of entry. Direct or indirect contact may introduce the infection into a flock of birds. Hygienic conditions and prevention of exposure to infection are the usual prophylactic procedures.

"*Pasteurella multocida*, as the name indicates has more than one host. The many strains of this group change continuously in physiologic functions, antigenic structure, and pathogenic ability. The total range of susceptible animal species is wide including man, rodents, herbivores, fowls and possibly carnivores but each host has its characteristic limitations beyond which it rarely goes in spontaneous disease. The first bacteriologically proved human case was reported by Brugnattelli (88) in 1913. Since that time human infections with *P. multocida* are being recognized more frequently.

"A review of the literature since 1930 by Schipper (90) revealed 21 bacteriologically proven cases from reports on 39 cases. Further evidence to support the occurrence of more frequent infection in man was presented by Needham (91). He isolated *P. multocida* from 11 patients of the Mayo Clinic during 1947. Later Olsen and Needham (92) reported the isolation of this organism from an additional 26 cases bringing the total to 37 cases observed at the Mayo Clinic during the period from October 1946 to July 1951. Twenty-seven of the thirty-seven patients were either farmers or members of a farmer's family. The source of material for bacteriologic study included bronchial secretion 17, sputum 15, empyema fluid 2, abscess of frontal sinus 1, appendiceal abscess 1, and purulent drainage from joint 1. All strains from these cases were found to be sensitive to low concentrations of penicillin. Although most of the patients had bronchiectasis, the authors consider *P. multocida* a probable "secondary invader." They emphasize, however, that the isolation of animal *Pasteurella* in cases of human disease has a definite significance. In view of the relative prevalence of human infection they recommended a more thorough search be made for this organism in infected material. Neter and associates (93, 94) have observed *P. multocida* wound infections in four children following bites by or contact with animals. These investigators (95) found aureomycin superior to terramycin treatment of *P. multocida* infection in mice.

"Numerous outbreaks of *Pasteurella* infection (fowl cholera) in poultry have caused considerable losses. Murray (96) states that "while man may generally consume without harm fowls that are suffering from the disease, it is advised that their meat should under no circumstances be used as human food."

"Diphtheria

"Although there appears to be no evidence indicating that diphtheria in poultry is of

public health significance, at least one human case has been reported in which evidence pointed to chickens as the source of infection. In a study of 256 cases of human diphtheria where contact with chickens was established, Litterer (97) reported 2 instances in which fowl harbored the virulent organisms. Identical organisms were isolated from a child in the family who owned the fowls. He was able to infect chickens with cultures obtained from infected children and chickens and concluded that fowl can transmit virulent diphtheria to man. According to Huyyra and Marek (44) the so-called fowl diphtheria or roup is caused by a virus and the disease is now known as the muco-membranous form of fowl pox.

"Virus diseases

"Eastern Equine Encephalomyelitis

"Eastern equine encephalomyelitis primarily a summer disease of equine and avian animals, is transmissible to man, in whom it is usually characterized by extensive inflammation and destruction of the central nervous system. It was first recovered from human CNS tissue by Fothergill et al (98), 1938; in the same year the first natural outbreak in birds was reported by Tyzzer, Seilers, and Bennett (99) who encountered fatal infection in ringnecked pheasants in Connecticut. Also in 1938 Fothergill et al (100) observed natural infection in pigeons in Massachusetts. Beaudette and Black (101) have reported the appearance of natural outbreaks in pheasants in New Jersey from 1938 through 1946 except in 1940 and 1941.

"Davis (102) found that 6 species of *Aedes* mosquitoes were capable of transmitting the virus from infected birds to normal animals after a 9-day incubation period. Mosquitoes fed on infected birds transmitted virus to mice and birds; those fed on mice transmitted it to birds, mice, and guinea pigs.

"The symptoms reported in pheasants include paralysis, staggering, head drawn over back, and anorexia. Death occurred in 1 or 2 days or the birds recovered slowly. The infection has been produced experimentally in chickens and turkeys. After experimental inoculation, Ten Broeck (103) and Tyzzer (104), working independently, showed that chickens may develop a viremia without visible signs of infection.

"In man, children appear more susceptible. A mortality rate of 65-70 percent has been reported in the age group under 10 years.

"Western and St. Louis Encephalomyelitis

"The western and St. Louis types of encephalomyelitis are similar in many respects and although they are quite distinct from the eastern type, they also infect a wide range of hosts including equine animals and fowl. The extensive studies of Hammon have shown the important role that birds play in the epidemiology of these diseases. During the summer of 1941 Hammon et al. (105, 106) in the Yakima Valley, Wash., found that *Culex tarsalis* mosquitoes were infected with the viruses of western and St. Louis equine encephalitis, and that approximately 50 percent of the chickens of the area had specific antibodies for these viruses, but no chicken epizootic had been observed. Experimental infection with both viruses produced a viremia but no signs of illness. Evidence indicates that viremia of man and horses is of short duration. Virus isolations from blood are rare. These authors also observed that *Culex tarsalis* fed predominantly on birds. Recently (107, 108) the chicken mite *Dermanyssus gallinae* has been found infected with the St. Louis and western type viruses. These findings have focused even more attention on the chicken as an important source of mosquito infection. In further studies in the Yakima Valley, Hammon (109) examined 576 sera from mammals and wild and domestic birds by the neutralization test for antibodies against both viruses. Each of the viruses were positive in approximately 50 percent of

sera from domestic fowl; 17-22 percent in wild birds, and only 8 percent from wild mammals.

"Japanese B Encephalitis

"Another of the summer encephalitides, chiefly prevalent in the Far East, is characterized by varied clinical symptoms, and caused by a virus similar in many ways to that of St. Louis encephalitis. According to Hammon less certainty is felt about the source of mosquito infection in this type, Hammon et al. (110) have demonstrated virus in mosquitoes caught in Japan. Thus the virus must be available in the blood of some animal. They have been able to detect small amounts of virus in the blood of inoculated chickens. More recent studies (111) have indicated wild birds as potentially important as a source of mosquito infection.

"Thus, it appears that poultry, especially chickens, may serve as an important source of infection with the eastern, western, and St. Louis encephalitis viruses and possibly also the Japanese B type.

"Newcastle Disease

"Newcastle disease (avian pneumoencephalitis) primarily a disease of world-wide distribution in fowls was first recognized in man in 1943, by Burnet (112) who isolated the virus from a case of conjunctivitis in a laboratory worker. Subsequently, reports have appeared of virus isolation from 8 cases of conjunctivitis in man (113, 117). Anderson (113), 1946 in Australia reported 2 laboratory infections. The remaining cases were in the United States. Ingalls (115) encountered 2 cases of natural infection; one in a broiler plant operator and the other in a veterinary student. Both cases were related to recent contact with NDV infected chickens. More recently, Nelson, et al. (118) have reported the occurrence of an outbreak of conjunctivitis in poultry plant workers. Of the 40 cases, virus isolation was successful in 4 of 10 acute cases. Specimens were obtained from the conjunctiva. They obtained a high SN index on specimens from employees in the plant showing no symptoms and observed that this may indicate resistance.

"In a recent study on food poisoning bacteria in poultry and poultry products, Kyle, MacFadden and Gunderson (17) isolated Newcastle disease from chicken livers and spleens collected on the evisceration line of a commercial poultry processing plant in Nebraska. The relative frequency of cases of conjunctivitis occurring in workers on the evisceration lines of poultry processing plants prompted this study. These investigators (17) studied 3 additional cases of conjunctivitis in humans from which Newcastle disease virus was isolated at the University of Nebraska Hospital. All patients had dressed chickens prior to onset of symptoms.

"An earlier report of an outbreak of conjunctivitis among kitchen workers handling poultry in an agricultural school in Israel was made by Yatoum (119).

"It is obvious from the evidence presented that Newcastle disease of poultry is capable of infecting the mucous membrane of the human eye. Thompson (120) has observed that the high prevalence of the disease in poultry as compared with the scarcity and mildness of reported cases in man indicates that general alarm concerning human infection is not warranted. More recently, evidence obtained by several workers indicates that NDV is capable of causing systemic involvement in man. Mitchell and Walker (121) report a laboratory infection apparently acquired through the respiratory tract which produced an influenza-like attack lasting about 5 days. NDV was isolated from bronchial mucus. There was no evidence of conjunctivitis. A case of acute hemolytic anemia with autohemagglutinative vascular phenomena was reported by Moolten and Clark (122) in which NDV was isolated

from the patient's blood shortly after the acute phase of illness had subsided. The isolation of the virus from 5 additional cases of human infection has been reported by Quinn, Hanson, Brown, and Brandly (123). These authors have noted the possibility of man to man transmission of the disease in view of the demonstration of virus in saliva, nasal discharge and conjunctival sac washings. In one of their cases NDV was isolated from the urine. Kyle, MacFadden and Gunderson (17) observed that due to the inherent resistance and potential adaptability of the virus, it may well become a significant public health problem.

"Psittacosis

"Psittacosis (ornithosis), an apparent, or more frequently an inapparent, infection found in parrots, parakeets, canaries, pigeons, and many other birds is also communicable to man. The infection is caused by *Miyagawaneia psittaci*, coccoid elementary bodies intermediate between Rickettsiae and true viruses. It was formerly thought to be contracted through association with psittacine birds, however, more recent reports have incriminated ducks (124), chickens (125), and turkeys (126), as the source of infection in man. Of great importance was the discovery that visibly healthy birds harbor the virus and as shedders or chronic carriers distribute the infective agent. Irons (126) has observed that the importance of common barnyard fowl in the spread of psittacosis frequently is overlooked.

"According to Meyer (127), the significance of the demonstration of psittacosis virus in the organs and intestinal contents of ducks to the duck-raising industry has not been assessed. He further states that there is evidence that the virus, present in approximately one-third of the bird population, occasionally infects workers on commercial farms, or persons who keep ducks as pets. In a study of the problem in ducks on Long Island, during a period when psittacosis occurred in man in the area, 38 percent of 115 ducks and ducklings on 9 different farms yielded psittacosislike virus similar to the pigeon strain.

"A recent report by Irons (126) et al., described an outbreak of psittacosis in turkey dressers in a poultry plant in Texas. There were 22 cases and 3 deaths among 78 employees of the plant. All cases had been killing, picking feathers, or wrapping heads of turkeys. Few cases had been dressing chickens. It appeared that discharges from a group of turkeys was the source of the outbreak. Clinical findings varied widely in severity of illness, from mild influenzalike attacks to fatal illness.

"A recent communication from Dr. Irons stated that they have encountered a second outbreak of ornithosis in a Texas poultry and egg plant attributed to dressing turkeys for the 1952 Christmas market. In this outbreak psittacosis virus isolations were made.

"Pigeons have frequently been incriminated in outbreaks in man and in some instances chickens have been involved also. A human infection was traced to a chicken in New Jersey. Four of 31 birds examined harbored psittacosis virus resembling the pigeon strain. Study of 2 other human cases attributed to pigeons revealed that the infected birds were caged over a chicken pen; pigeon-psittacosis virus was recovered from the organs of 2 of the chickens. Determination of the extent of spontaneous psittacosis in chickens depends upon the development of a simple serological test for mass examination of barnyard fowl (127). A newly devised indirect complement-fixation-inhibition (128) test has improved detection of the disease in chickens.

"Mandel and Jordan (129) report the demonstration of psittacosis antibodies in se-

rum from a poultry worker with pneumonitis, in serums from other poultry workers, and in sera from fowl slaughtered in local stores.

"A case of atypical pneumonia in a poultry dealer has been reported by Duncan, Thomas and Tobin (130) in England. Virus of the ornithosis type was isolated from the throat washings. Ward and Birge (131) describe a case of psittacosis in the owner of a pheasant ranch. Complement fixation tests on the patient were performed by the Illinois State Department of Health. Indirect complement fixation test on the pheasant serums were performed by Dr. K. F. Meyer.

"The frequency with which psittacosis has been associated with poultry workers in recent years warrants its consideration as an occupational disease problem.

"Rabies

"Although fowl may be infected experimentally with the rabies virus, there is little evidence of spontaneous rabies in poultry. Remlinger and Bailey (132) reported transmission of the disease to the chicken by bites on the comb by a rabid dog. Thus it appears that chickens can, if bitten by a rabid animal, become infected and serve as a source of human infection.

"Fungus diseases

"Probably of less hazard to poultry workers are the mycotic infections of fowls. Those which deserve mention are aspergillosis, favus, and thrush. Although these infections are rare in man and frequently of a mild nature they do occur. Emmons (133) states that fungus diseases of poultry are of little danger to man unless there is heavy exposure and the individual has other predisposing factors.

"Aspergillosis

"*Aspergillus fumigatus* is especially pathogenic for birds and occasionally causes aspergillosis in man. The disease is common enough in domestic birds, pigeons, chickens, and ducks to be of some economic importance. In young chicks it frequently occurs in epidemic form and is known as brooder pneumonia (134). The disease may be localized or generalized but usually occurs in the lungs and air sacs.

"The infection appears to be acquired following inhalation of spores from moldy grain or litter. In man observations have indicated that infection also frequently follows exposure to air carrying many spores. Infections to the external ear have been attributed to aspergillus spores. However, the recent studies of Singer, Freeman, and Hardy (135) on otitis externa indicate that this fungus is of minor importance.

"According to a communication from Dr. W. L. Sippe, of the Georgia Coastal Plains Experiment Station they have encountered outbreaks of aspergillosis in birds in south Georgia.

"Favus

"Favus is a type of ringworm caused by several species of the genus *Trichophyton* (Achorion). The agent of favus or white comb in poultry is *Trichophyton gallinae*. In his excellent review of mycotic diseases of animals Gordon (136) states that despite the numerous references to the disease in American literature, there have been only 2 instances that an organism has been cultured which could be identified as *T. gallinae* according to published reports. It has been isolated from a human infection in France (137) and on many occasions from fowl favus in Europe and South America.

"Thrush

"Thrush (candidiasis, moniliasis) is another fungus infection that has caused high mortality in poultry flocks, especially young birds. It is caused by the yeast-like organ-

ism *Candida albicans*. The disease has been observed in chickens, pigeons, turkeys, pheasants and other birds, and in man. In poultry lesions are localized in the mucosa of the upper alimentary canal and appear as whitish ulcers or pseudo-membranes in the crop, and gizzard.

"In man (137) *Candida albicans* may cause infections of the mucous membranes of the mouth and vagina; infections of the skin and nails; systematic infections or a mild broncho-pulmonary infection.

"No reports have been found indicating transmission of the disease from infected fowl to man although this may occur.

"Parasites

"Infestation with *Dermanyssus gallinae* the poultry mite frequently causes irritation and an itching dermatitis in poultrymen.

"Toxoplasma

"According to Manwell et al. (138) toxoplasmosis is one of the least understood of human infections as well as one of the most recently recognized.

"It is still uncertain whether birds are naturally infected with any strain of toxoplasma infective for mammals. But Manwell et al. (138) found that certain species including the duck, chicken, pigeon, canary, and wild birds are highly susceptible to experimental infection with a toxoplasma strain of human origin.

"The uncertain knowledge of this disease in man and birds, for the present, obscures its significance.

"It should be mentioned that Ingalls (1) has pointed out one other disease, leptospirosis, as an occupational hazard to poultry dressing plant employees, although the birds are rarely, if ever, infected.

"The predominance of poultry workers among the first patients found to have leptospirosis in the Detroit area led Molner (139) to study the problem in poultry dressing plants. It was found that rats were commonly in and around the plants. By washing work tables with Ringer's solution in the morning after exposure to the rats at night and infecting guinea pigs with the washings a clinical picture of Weil's disease was produced. No mention is made of isolation of the organism. This probable source of infection could, however, be eliminated by adequate sanitation measures and rat control.

"Some of the diseases reviewed in this report are of interest chiefly from an academic standpoint, whereas others present a definite public health problem.

"Measures toward controlling the incidence of infections that man may acquire from poultry have been adequately summarized by Brandly (C. A.) 2 as follows: 'It may be emphasized that suppression and eventual eradication of transmissible diseases common to birds and man require, at the onset, thorough elucidation of epizootiology together with adequate and often needed improvements in detection and diagnostic methods. These knowledges and skills, supplemented by sound long-range perspectives and practices and abetted by persistent educational programs must inevitably lead to success against this costly and needless loss and waste. Now, and in the future, necessary safeguards must aim to reduce the "occupational hazards" both against established bird to man infection chains, and against the factors of contact and exposure which may favor adaptation of other infectious agents to man from birds, and vice versa. Finally, a sound and inclusive poultry inspection service based on established practices and under competent veterinary supervision must be our primary bulwark toward protecting both the health of the public and the integrity of one of our major sources of food.'

"TABLE 1.—Reported outbreaks of salmonellosis attributed to poultry or poultry products reported by FSA (National Office of Vital Statistics) 1951-52

Date of outbreak	Location	Number of persons involved	Type isolated	Probable vehicle	Type isolated from material
Jan. 13, 1951	California	11	S. anatum	Turkey	S. anatum.
May 19, 1951	Minnesota	10	S. typhimurium	Raw turkey eggs	Not stated.
June 9, 1951	Illinois	340	None	Egg white	S. montevideo.
Sept. 8, 1951	California	30	S. typhimurium	Duck eggs in ice cream	No ice cream examined.
Sept. 15, 1951	Washington	16		Roast turkey	Salmonellalike organism.
Nov. 24, 1951	California	31	S. typhimurium	Roast turkey sandwiches	Negative.
Dec. 22, 1951	do	33	do	do	Do.
Jan. 19, 1952	do	41	S. newport	Sliced turkey	S. newport.
May 17, 1952	do	14	S. typhimurium	Pudding with eggs, chicken and turkey fat	S. typhimurium.
June 28, 1952	do	10	S. montevideo	Eggs in homemade ice cream	S. montevideo from ice cream.
July 5, 1952	Massachusetts	84	S. typhimurium	Roast turkey	Not examined.
July 12, 1952	Illinois	11	do	Turkey dinner	Do.
July 26, 1952	California	27	S. newport	Chicken chili	Do.
Oct. 4, 1952	Maryland	7	Sal. Sp.	Egg nog	Do.
Nov. 15, 1952	New York	2	S. heidelberg	Turkey	None.
Dec. 20, 1952	14 States and District of Columbia	68	S. montevideo	Commercial canned powdered egg yolk	S. montevideo.
Dec. 20, 1952	Mississippi	14	S. oranienburg	Partly cooked turkey	Not examined.

"Reported outbreaks of gastroenteritis in which poultry or poultry products were the suspected vehicle of infection, FSA (National Office of Vital Statistics), 1951-52

Date	Location	Number of persons ill	History
June 16, 1951	Connecticut	65	Both reported in a private school. Onset 10 to 24 hours after eating turkey. Laboratory examination incomplete.
June 16, 1951	do	70	
June 23, 1951	California	300	Poorly cooked turkey indicated as vehicle of infection.
July 7, 1951	Tennessee	¹ 247	Outbreak in State institution. Hemolytic Staph. aureus isolated from chicken salad.
Aug. 18, 1951	Maine	² 27	
Aug. 25, 1951	California	4	Commercially canned chicken and commercial mayonnaise probable vehicle of infection.
Apr. 14, 1951	do	9	Passengers on plane from San Francisco to Honolulu. Staph aureus isolated from casserole diced ham and creamed boiled eggs.
May 12, 1951	New York	8	Chicken sandwiches suspected source of infection.
June 2, 1951	Connecticut	21	Turkey dinner. Investigation incomplete.
Sept. 22, 1951	California	94	Roast chicken in restaurant suspected source infection.
Sept. 29, 1951	Connecticut	7	Hemolytic Staph. aureus isolated from turkey dressing.
Oct. 6, 1951	Minnesota	19	Onset 7 to 18 hours after eating turkey. A paracolon organism isolated from turkey meat.
Dec. 22, 1951	New York	110	Chicken loaf sandwiches. Bacteriological examination revealed gamma Streptococcus, E. freundli and A. Aerogenes.
Jan. 5, 1952	Maine	40	Onset 2 to 5 hours after eating egg salad. Staphylococci, enterococci and coliform organisms isolated from egg salad.
Jan. 19, 1952	Idaho	8	Cooked chicken eaten. No other information.
June 24, 1952	California	34	Onset 6 to 12 hours after eating creamed chicken. No laboratory examination reported.
July 12, 1952	do	4	Onset 3 hours after eating turkey a la king. Staph. aureus isolated from turkey.
Nov. 22, 1952	Washington	6	Onset about 3 hours after eating roast chicken. A Staphylococcus organism isolated from chicken, ham, and cake.
Dec. 20, 1952	Arkansas	120	Onset 10 to 12 hours after eating chicken. A gram positive Micrococcus isolated from chicken.
		50	Turkey probable vehicle of infection. None available for laboratory examination.

¹ Patients.
² Employees.

"Reported cases of psittacosis FSA (National Office of Vital Statistics), 1951-52

Date	Location	Number persons ill	Laboratory findings	Contact with birds
Mar. 31, 1951	Chicago	2	Rise in complement fixation titer	Parakeet.
June 23, 1951	New York	1	do	Psittacine birds in home, 1 died. Psittacine virus isolated by Dr. K. F. Meyer.
Do	do	1	Unknown	Pigeons.
July 28, 1952	Minnesota	1	Complement fixation	Homing pigeons. Psittacine virus isolated.
Jan. 26, 1952	Chicago	1	Complement fixation positive	Parakeet and pigeons.
Feb. 16, 1952	Minnesota	2	do	Florida parakeet. Died.
Feb. 23, 1952	Connecticut	1	Incomplete	Florida parakeet. Psittacine virus isolated.
Mar. 1, 1952	Texas	29	Complement fixation positive virus isolated	Poultry packinghouse.
Mar. 8, 1952	Connecticut	1	Complement fixation positive	Lovebirds.
Do	Kentucky	2	do	Parakeet.
Do	Indiana	2	Not stated	Do.
Mar. 29, 1952	District of Columbia	1	do	Maryland parakeet. Psittacine virus isolated from bird at NIH.
Do	Connecticut	1	Complement fixation suggestive	None known.
Apr. 12, 1952	do	1	Complement fixation positive	Florida parakeet (mother of Connecticut case Feb. 23, 1952).
Do	Minnesota	1	Rise in complement fixation titer	Parakeet (local).
Apr. 19, 1952	Colorado	1	Rise plus in complement fixation titer	Exposed to Florida parakeets in Minnesota.
May 12, 1952	Missouri	2	Not stated	Parakeet in Kansas City pet shop.
May 10, 1952	New York	1	Rise plus in complement fixation titer	Florida parakeets.

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Mr. Speaker, exhibit B, Poultry Inspection and Health Hazards, is as follows:

"EXHIBIT B

"POULTRY INSPECTION AND HEALTH HAZARDS

"This memorandum seeks to present evidence concerning the need for compulsory Federal inspection of poultry for wholesomeness in interstate commerce.

"The data contained in this memo form the highlights and a summation of the findings made by the Amalgamated Meat Cutters and Butcher Workmen of North America, A. F. of L., during more than a year of study. The information is presented in the hope that you will interest yourself in the problem of bringing standards of wholesomeness and sanitation to the mushrooming poultry industry. You, thereby, can help end the flow of diseased and filthy poultry which is currently endangering the consumer and poultry worker.

"The Amalgamated Meat Cutters and Butcher Workmen, A. F. of L., has more than 300,000 members working in the poultry and meat industries. It has, therefore, become acutely aware of the shocking sanitary and health conditions presently existing in some sections of the poultry industry. The Amalgamated has made great strides in ending these practices in many plants, but the scope of its effectiveness is limited. It, therefore, looks to Congress to protect the health of poultry workers and of consumers, as a whole.

"Lack of poultry inspection

"The poultry industry stands alone among the major producers of food for the Nation in that it is not properly regulated to assure wholesomeness or freedom from disease. Unlike red meat, poultry can be, and is, sold filthy and diseased with immunity. No law exists on a national level to provide for the compulsory inspection of this much-eaten food.

"The phenomenal growth of the poultry industry in the past 20 years is responsible to a degree for the existence of this condition. In 1940 143 million broilers were raised commercially. In 1954 1,050,000,000 were raised. During the same period of time the production of turkeys increased from 34 million to 61 million birds.¹ This expansion has caused the poultry and egg industry to become the third largest source of agricultural income in the United States. The national poultry and egg income is estimated at \$4.1 billion for 1954, and latest figures show it is still expanding at a rapid rate.

"An inspection service for sanitation and wholesomeness is maintained by the Production and Marketing Administration of the United States Department of Agriculture. However, inspection is purely voluntary. The processor is under no obligation whatsoever to have his product inspected. If he does seek the inspection, he must pay the full cost of it. In other words, not only can he get by without assuring the public of the wholesomeness of his product, but he is monetarily penalized if he seeks to provide that assurance.

"It should be noted that only 21 percent of the poultry in interstate commerce is inspected for wholesomeness and sanitation. In 1953 United States Department of Agriculture veterinary inspectors condemned as unfit almost 2 million (1,843,446) poultry carcasses. This figure does not take into account the many organs and parts condemned when the carcasses in whole or in part were certified as wholesome.²

"These sad facts do not tell the full story of the inadequateness and ineffectiveness of the permissive inspection by the Production and Marketing Administration. One of the major dangers is that Production and Marketing Administration often permits the owner of the poultry business or one of his employees to serve as official sanitarian and grader. Here, certainly is a tremendous conflict of interests, and the interest of the consuming public becomes secondary.

"This system does not meet the criterions laid down by Brig. Gen. Wayne O. Kester, Office of the Surgeon General, United States Air Force, who declared:

"An inspection agency, to be acceptable, must comply with four cardinal prerequisites for an adequate inspection system.

"First, the inspectors must be competent and qualified.

"Second, they must have tenure of office, so that no one may put pressure on them in connection with their duties.

"Third, the inspectors' agency or supervisors must be responsible and accountable to the consumer.

"Fourth, the inspector must have no financial interest or connection with anyone in the organization being inspected."

"Ineffectiveness of PMA program

"Actually, it is little wonder that the Production and Marketing Administration has been ineffective in its inspection, for this service was not intended primarily to safeguard the public health. Instead, it was established to promote the marketing of poultry products.

"Many people believe mistakenly that the PMA inspection service was established to provide a form of inspection and regulation paralleling that of the Federal Meat Inspection Act. In reality, the Production and Marketing Administration initially provided

only a grading service which was utilized in trading between dealers. At the request of certain processors, this service was extended to include inspection for wholesomeness and sanitation on a take-it-or-leave-it basis.

"But even when diseased poultry is rejected under the present system, the carcasses are not necessarily condemned. For example, there is the classic case of the 60,000 birds of a Brady, Tex., poultry plant. The Army rejected the turkeys because they had been hit by the 1954 Texas outbreak of ornithosis (psittacosis). But instead of disposing of the carcasses, the processors sold them for civilian consumption. Public health authorities traced them to east coast cities—many of them carrying live ornithosis (psittacosis) virus.

"There are even instances in which health officers of cities having rigid poultry inspection programs have excluded poultry that came from plants inspected by the Production and Marketing Administration. For example, Dr. Aaron H. Haskin, Health Officer of Newark, N. J., wrote on December 7, 1954, to Earl W. Jimerson, president of the Amalgamated Meat Cutters and Butcher Workmen of North America, A. F. of L.:

"About 1 month ago I excluded from sale in the city of Newark, N. J., the products of a poultry-processing plant which bore a USDA inspection legend. Meat inspectors from this office upon visiting the premises found numerous pertinent violations which had existed for a long time."

"Limited activities of United States Food and Drug Administration

"The only Government agency responsible for preventing diseased and filthy poultry from coming to the market place is the United States Food and Drug Administration. Acting under the Federal Food, Drug, and Cosmetic Act, that agency has the right to seize any adulterated food, including poultry.

"However, the slashes in appropriations the Food and Drug Administration has suffered and the lack of a compulsory ante mortem, post mortem inspection law has made its job impossible.

"Thus, when Congresswoman LEONOR K. SULLIVAN, of Missouri, asked in September 1954 about the United States Food and Drug Administration's ability to police the poultry industry, then-Commissioner C. W. Crawford replied:

"We estimate that there are approximately 1,300 interstate poultry dressing, freezing, or canning establishments in the United States. For the past 2 years we have made about 400 poultry establishment inspections each year, of which we estimate that perhaps one-fourth represent reinspection of the same firms. Thus, our program contemplates complete coverage of this industry about once every 3 or 4 years."

"His successor, the present Commissioner, George P. Larrick, went even further in an April 21, 1955, letter to Shirley W. Barker, director, Poultry Department, Amalgamated Meat Cutters and Butcher Workers of North America, A. F. of L. Mr. Larrick wrote:

"Your assumption is correct that our average rate of inspection coverage of the poultry-processing plants amounts to a spot check once every 3 or 4 years. One such inspection of one plant at one time requires, on the average, 5 or 6 hours of an inspector's time. It is also true, as you suggest, that such a spot check cannot guarantee the wholesomeness or the legality of products prepared at other times. However, lest this be misleading to you we must point out that in many instances reasonable valid conclusions with respect to the probability of diseased or otherwise illegal poultry being shipped from a plant can be drawn from the observation made during an inspection of this type, and conversations with employees.

"* * * Although some lots of cull poultry are recognized as obviously diseased from the external appearance of the carcass, it is our view that not only post mortem but also ante mortem examination is essential to a full program of protection of the consumer from diseased poultry."

"In other words, the present and the former head of the United States Food and Drug Administration bluntly state that their organization cannot, under present circumstances, guarantee protection against diseased poultry for the consumer. The present Commissioner adds that not only after-slaughter inspection is needed to protect the consumer, but also a before-slaughter inspection. Such a program can only be put into force by new legislation providing the compulsory inspection of poultry.

Industrial and consumer hazards

"There are many diseases of poultry transmissible to man which constitute a public health danger." Dr. James Lieberman, DVM, MPH, consultant, Poultry Inspection and Sanitation, Milk and Food Branch, Division of Sanitation, United States Public Health Service, Washington, D. C., stated at the American Veterinary Medical Association, 19th annual meeting, Toronto, July 20-23, 1953:

"Veterinary investigations have concluded that there are over 25 diseases of poultry to which man is also susceptible. Some of these diseases, such as staphylococcosis, streptococcosis, and salmonellosis, cause food poisoning and, hence, constitute a threat to individual and public health. Others, such as psittacosis, Newcastle disease, and erysipelas, must be viewed from an occupational standpoint, since they affect primarily our poultry plant workers."

"Only one of these diseases, psittacosis, has resulted in the following officially recorded cases listed by the National Office of Vital Statistics of the Department of Health, Education, and Welfare:

Year:	Morbidity	
	Deaths	(illness)
1940-----	3	--
1941-----	1	--
1942-----	4	23
1943-----	0	1
1944-----	2	6
1945-----	0	27
1946-----	2	26
1947-----	1	27
1948-----	0	32
1949-----	0	35
1950-----	0	26
1951-----	1	25
1952-----	5	135
1953-----	4	169
1954-----	3	445
1955 (Jan. 1, 1955, to July 16 1955)-----	0	168
Total-----	26	1,145

"These figures, however, do not tell the full story of lost man-hours, illnesses and deaths. The National Office of Vital Statistics lists no deaths and only 32 cases of illness due to psittacosis in 1948, but Dr. J. B. Irons, Director of Laboratories of the Texas State Department of Health, has reported 3 deaths and 22 cases occurring among turkey plant workers in Giddings, Tex. alone during that year. This situation emphasizes that public health authorities are not fully aware of the annual frequency of these diseases.

"Diseases and Public Health Dangers:

"1. The Public Health Aspects of Poultry Diseases by W. L. Ingalls, DVM, MSc.

"2. Poultry Diseases as Public Health Problems by C. A. Brandly.

"3. Isolation of the Virus of Newcastle Disease from Human Beings by W. L. Ingalls, DVM, and Ann Mahoney."

¹ U. S. Department of Agriculture; Agricultural Marketing Service; outlook issue 1955; released October 4, 1955.

² Paper prepared and presented by Dr. Joe W. Atkinson, DVM, consultant, U. S. Public Health Service, to the 39th annual meeting of Central Atlantic States Association of Food and Drug Officials, June 5, 1955, Atlanta, Ga.

"The tremendous impact of more sanitary methods and control of diseases in poultry processing plants is well illustrated by W. Vic Pringle, of the Rockingham Marketing Cooperative, Inc., Broadway, Va. Speaking before the Outlook Workshop of the Institute of American Poultry Industries, Kansas City, Mo., in 1955, he said:

"One firm I know saved \$12,000 last year in compensation insurance, by controlling infections and skin rashes, thanks mainly to a better sanitation program throughout all parts of its plants. It is also a known fact that cleanup labor and supplies can be materially reduced when plants are constantly maintained in a sanitary manner versus the occasional thorough cleanup, with a hit-and-miss job most of the time. The preventive maintenance principle applies in any field."

"As for the hazards to the consumer, while it is true that most of the disease organisms are killed by thorough cooking to allow diseased birds to be sold is somewhat like condoning the cooking of garbage for human consumption. Edible from a medical standpoint, but certainly not desirable."

"Let us look at an affidavit taken from an employee working on poultry processing without ante-mortem, post-mortem inspection:

"My job was to pull feathers and those who were on the job with me and I were the first ones to handle the chickens after they had passed through the scalding process and roughing machine. When the chickens reached me most of the feathers were off the bodies and I could see the skin of the birds very clearly. It was quite often that thousands of chickens would pass on the line with sores on their bodies. Thousands of them would have large swellings as large as a chicken egg on their bodies. These swellings were filled with a yellowish pus and the odor was very strong."

"Or as a worker in another plant has said:

"I work on many different jobs on the line. During this time I saw lots of chickens with lumps on them and some were full of sores. Sometimes when the lumps were cut off or they would burst, they smelled awful bad. All of these chickens went right through with the other chickens for shipment."

"Or as another employee states in an affidavit:

"When a lot of chickens were returned to our plant because the customer would not take them because they were not the quality he wanted, these chickens were cut up in pieces and frozen and shipped to another customer. Many times these chickens were in not very good condition when they came back to the plant."

"These affidavits, taken from workers employed by national concerns who sell their products under reputable name brands, certainly bear out the statement 'somewhat like cooking garbage.' There is, however, a very real danger with present methods of cooking poultry—broiling and baking at low temperatures—that it might not be thoroughly cooked. This would make real hazards of many diseases, such as salmonellosis, tuberculosis, streptococcosis, brucellosis, staphylococcosis, and others. Food infections caused by poultry constitute a major public-health problem. This is illustrated by the findings of the United States Public Health Service showing that 1 out of 4 food poisoning cases studied were the result of poultry or poultry products."

"Dr. Joe W. Atkinson, DVM, consultant, Poultry Inspection and Sanitation, Milk, Food, and Shellfish Sanitation Program, Division of Sanitary Engineering Services, Bureau of State Services, Public Health Service, stated at the 38th annual meeting, Central Atlantic States Association of Food and Drug Officials, May 5, 1954, Baltimore, Md.:

"In 1948, a study of 8,832 cases of food-borne disease, as reported by the States, indicated that 2,492 (or 28.2 percent) were attributed to poultry or poultry dishes. Relatively many cases so reported each year since 1948 have similarly been attributed to poultry and poultry products. These figures indicate the relative importance of poultry among sources of food-borne disease."

"Research indicates that poultry constitutes one of the important reservoirs of disease organisms affecting man. Such diseases may be transmitted to man, either during the preparation of poultry for marketing, or through the consumption of poultry products."

"A 1954 United States Public Health Report summarizing 'disease outbreaks' for the previous year reveals the following:

"In one-third of the (Salmonellosis) outbreaks, chicken or turkey was found to be the vehicle of infection. Considering the frequency with which these fowl are found with *Salmonella* infections, this cannot be considered an unusual finding."

"Foreign resistance to United States poultry

"In 1907 when the Federal Meat Inspection Act was passed, the sale of poultry was largely a matter of selling surplus birds from a farm flock. The numbers sold were so insignificant, no records were kept. In most cases the prospective purchaser saw the bird alive, and was thereby assured that it was not visibly sick or emaciated. The processing was largely done at home where, if the fowl did not appear to be healthy or wholesome, it was thrown away."

"Historically, the American people have risen to protest against unclean, unsafe practices by any food industry. In fact, the peoples of the world have sought to protect themselves against the sale of diseased or unclean foodstuffs."

"The occurrences surrounding the passage of the Federal Meat Inspection Act in 1907 are indicative of this statement. When Upton Sinclair wrote *The Jungle* exposing the filth and diseases which were hazards to both workmen and the consuming public the legislative bodies of this country took appropriate action to correct this situation. Today more than 80 percent of all red meats sold are processed under Federal meat inspection surveillance."

"A contributing fact to the all-out support of the Federal Meat Inspection Act was also the embargo prior to 1907 by foreign lands against the meat products of this country. The Federal Meat Inspection Act covering movement of red meats in interstate and foreign commerce corrected this condition and met the standards demanded by the American public as well as the peoples of foreign lands. Some such appropriate action by the Congress of the United States is now needed to correct similar practices and similar hazards in the poultry processing industry."

"In a recent report to the poultry industry, Mr. William D. Termohlen, former Chief of the Production and Marketing Administration, United States Department of Agriculture, stated that the United States had been unable to develop markets for the export of poultry products into Europe because of embargoes." Mr. Termohlen wrote:

"The British importers' enthusiasm was in contrast to lack of interest by the National Farmers Union representatives and an attitude of caution on the part of British veterinarians who indicated they felt United States imports would in time cause poultry disease outbreaks among their flocks. . . .

"Since the United States is not reported free of Newcastle (disease) by the Paris organization (International Epizootic Organization), no encouragement by United King-

dom officials toward the importation of fresh or frozen poultry meat was forthcoming."

"Government officials of other countries feel that in the absence of adequate controls by the United States, imports from this country present hazards to their consumers and poultry industry which they are not willing to permit. In the face of a shortage of food in foreign lands, it appears that the poultry industry of the United States presently is confronted by the same dilemma faced by the red-meat industry in 1907."

"Protest by public health and consumer groups

"Many organizations, medical men, health officers, and persons in important positions have expressed interest and alarm over the present situation in the poultry industry. A notable number of them have indicated their willingness to stand up and be counted as soon as a program which would result in correction, if offered to protect the worker and the consumer alike."

"At conference after conference of public health officers and veterinarians the lack of compulsory inspection in the poultry industry has been a subject of serious discussion and suggestions have been made to correct this condition."

"On June 5, 1955, for example, the Central Atlantic States Association of Food and Drug Officials, meeting in Atlanta, Ga., resolved unanimously:

"Whereas all meat that enters into interstate commerce may, under Federal regulations, emanate only from federally inspected slaughterhouses; and

"Whereas poultry that enters into interstate commerce need not be processed in federally inspected processing plants; and

"Whereas uniformity in the inspection of poultry for wholesomeness is most desirable and essential for the welfare of the consumer: Therefore be it

"Resolved, That the Central Atlantic States Association urges that the Federal Government take the necessary measures to require that all poultry entering interstate commerce be inspected for wholesomeness by duly authorized representatives of a Federal agency."

"The fourth annual conference of Public Health Veterinarians of the American Public Health Association, meeting in St. Louis on October 30, 1950, received from its committee on poultry inspection and sanitation a report which includes the following:

"The committee further felt that all poultry entering into interstate commerce, if killed, should be federally inspected. They (sic) felt that if there is a need for the interstate inspections of 'red meats,' there should be a Federal law requiring the interstate inspection of 'poultry meats' and they recommend that this conference go on record as recommending such congressional action as would be needed."

"The 91st annual meeting of the American Veterinary Medical Association, meeting in Seattle, Wash., August 23 to 26, 1954, resolved that:

"The American Veterinary Medical Association recommends that the Poultry Inspection Service be transferred and combined with the Federal Meat Inspection Service where adequate veterinary supervision can be provided to conduct an acceptable inspection program."

"This transfer would automatically bring about compulsory ante mortem, post mortem inspection for wholesomeness and inspection for sanitation of all poultry processing plants."

"Not only public-health officials and veterinarians have viewed this situation with alarm. The Hoover Commission's Task Force on Federal Medical Service reported in February 1955:

"Federal inspection of meat contrasts in form as well as in cost with its inspection

"Poultry and Eggs Weekly, Saturday, Apr. 16, 1955.

of poultry. Whereas about four-fifths of the Nation's meat is slaughtered and packed under compulsory meat inspection, Federal poultry inspection not only is voluntary but also is financed by fees from users of the service and covers less than one-fifth of the Nation's commercial poultry supply.

"The poultry industry has doubled in size since 1940 to become the third largest source of gross farm income. Diseases common to poultry and man—especially the salmonella infections—are almost as significant in number and severity as diseases common to animal and man. Poultry or poultry dishes cause about 1 out of 4 cases of food-borne disease. Environmental sanitation and handling in poultry packing plants is, in many instances, deplorable.

"Both the United States Livestock Sanitary Association and the Conference of State and Territorial Health Officers have recommended that State and local governments strengthen their poultry inspection and sanitation programs. But, as yet, only a few States have compulsory poultry inspection. Especially, in view of the recent growth of the poultry industry, we do not believe we can expect the States alone to provide the needed controls."

"Legislative suggestions

"The legal propriety of an effective Federal inspection in the poultry processing industry is well established. In fact, under existing Federal enactments, jurisdiction over the industry has long been asserted by the Food and Drug Administration of the United States Department of Health, Education, and Welfare and the Poultry Branch of the Production and Marketing Administration of the United States Department of Agriculture.

"The products of the poultry processing industry prepared for, or while in interstate commerce or at any time thereafter, as subject to the provisions of the Federal Food, Drug, and Cosmetic Act, which is administered by the Food and Drug Administration. In this connection, section 304A of that act provides the authority under which the Food and Drug Administration is empowered to seize adulterated food products. Definitions of adulteration in section 402 are broad indeed and provide an ample frame of legislative authority for the promulgation of codes prescribing standards of wholesomeness of poultry and poultry products. It should likewise be noted that the same Federal statute provides the legislative concepts concerning investigations necessary to conduct an effective inspection program.

"It is here suggested that the establishment of an effective program of inspection for wholesomeness in the poultry processing industry would not necessitate the establishment of a new Federal agency, nor would it establish any new era of Federal jurisdiction.

"Recognizing the inadequacy of current Federal inspection programs, the Public Health Service of the United States Department of Health, Education, and Welfare has prepared and promulgated a poultry ordinance, providing standards of sanitation requirements and is now in the process of preparing and promulgating a proposed poultry ordinance, providing standards of ante mortem and post mortem inspections. Such ordinances, when adopted by States, counties and municipalities, provide a vital uniformity in sanitation and wholesomeness regulations in the poultry processing industry throughout the United States. It should be borne in mind that if the essence of such ordinances and codes were to be enacted as Federal legislation to be enforced by the Food and Drug Administration, there would thus be established, a valuable uniformity in regulations promoting the public health throughout the United States in all parts of the industry operating in interstate or intrastate commerce.

"Significantly, adoption of such Federal legislation could not interfere with the operation of local poultry ordinances in view of the specific Federal jurisdictional definitions contained in section 304 of the Federal Food, Drug and Cosmetic Act.

"In addition to the Food and Drug Administration, jurisdiction over the poultry processing industry has been exercised by the United States Department of Agriculture under the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). That law provides for inspection and grading programs for poultry and poultry products. Programs, however, are permissive and are financed by the payment of fees by the members of the industry. The various regulations are promulgated by the poultry branch of the Production and Marketing Administration of the United States Department of Agriculture. In general, three separate programs are administered by the USDA under the 1946 act. They provide inspection for wholesomeness, grading for quality and inspection for plant sanitation. Under the programs, different labels are provided which signify that the cooperating industry member has complied with the standards established in the regulations. The programs are generally comparable to those covering red meat except that, as above stated, they are permissive and are performed on a fee basis.

"Those who have been actively concerned with the establishment of an adequate Federal poultry inspection program have considered the advisability of the compulsory application of the voluntary regulations promulgated by the Production and Marketing Administration. It is of interest to note that Herman I. Miller, Acting Director of the Poultry Division of the Agricultural Marketing Service of the USDA, in a letter dated August 9, 1954, stated as follows:

"The responsibility for regulating the interstate shipment of adulterated, unwholesome and misbranded product is vested in the Food and Drug Administration of the Department of Health, Education, and Welfare."

"It has also been suggested that the problems herein considered can be adequately dealt with by the Bureau of Animal Industry in the Agricultural Research Administration of the United States Department of Agriculture if appropriate legislation is enacted. This bureau now administers the regulations governing meat inspection authorized under the Meat Inspection Act, as amended and extended (34 Stat. 1260; 21 U. S. C. 71; 21 U. S. C., sub. III, 71). Of course, the regulations governing meat inspection contained in the code of Federal regulations (Title 9: Animals and Animal Products) are thorough and all embracing. However, in this connection, it should be noted that such unit inspection, governing poultry and poultry products, could be inaugurated only after appropriate legislation amending the Meat Inspection Act (see above) as well as the Imported Meat Act (46 Stat. 689).

"This analysis of present laws and regulations indicates the existence of legal precedent for three separate methods of dealing with the problem of Federal poultry inspection. Various considerations to be developed during the course of legislative hearings will, of course, dictate which of the alternate methods should be pursued in effectuating an adequate inspection program in the poultry-processing industry, which will most effectively promote adequate public-health standards. In any event, it is significant to note that the promulgation and effectuation of an adequate Federal inspection program in the industry does not require any extension of existing Federal jurisdiction, nor will it necessitate experimentation with unknown or untried operational procedures."

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks.)

Mr. WATTS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PRICE].

(Mr. PRICE asked and was given permission to revise and extend his remarks.)

Mr. PRICE. Mr. Chairman, I enthusiastically support the legislation before the Members of the House on the subject of poultry inspection, and I commend the subcommittee of the Committee on Agriculture for its work on this legislation.

It seems to me a very simple thing to say that we should have the same kind of governmental protection of the public to safeguard it from the marketing of diseased and unwholesome poultry, that for four decades has safeguarded it from the marketing of diseased or adulterated meat. I imagine that when those provisions were before the Congress in those days there was similar opposition to that legislation. I know how successfully the meat inspection program has worked. We know, also, it did not put any small processors out of business. Some may have fallen by the wayside in those four decades but it certainly was not because of the Federal meat inspection laws.

In both the 83d and the 84th Congresses, I joined other Members in introducing measures to provide for an investigation of the conditions under which poultry was sold to the general public. This year I felt the time was appropriate for introduction of a bill requiring Federal inspection of commercial poultry processors and prohibiting the movement of diseased or unhealthful poultry in commerce. My bill, H. R. 899, was designed solely for the protection of consumers from the unwitting purchase and use of unwholesome poultry and poultry products. The measure under consideration today has the same objective.

Investigation by the Congress, testimony from officials of the executive department and a mass of documentation from those who work in the poultry-processing and meat-processing industries has exposed the weakness of our present inspection services in poultry.

Mr. Chairman, this legislation is sorely needed, it is urgent legislation in the interest of the health of the consuming public of this country and I sincerely hope that the House this afternoon will approve the bill before us.

Consumers are simply not protected from the purchase of diseased chickens and turkeys in the same way that they are protected, by Department of Agriculture inspectors, from being unwittingly tempted to purchase diseased or unwholesome beef or lamb or pork. The so-called Federal inspection program involving poultry is wholly voluntary, rather than compulsory, and a Department of Agriculture stamp has certified merely that a commercial poultry plant is generally sanitary rather than that the particular food offered for sale is fit for human consumption.

Let us understand what is involved: Consumers today seldom see live poultry

before they buy the product. In the stores and supermarkets they buy packaged poultry, the products of large-scale processors. And in March of 1955 it was estimated that less than 20 percent of all poultry was under even the weak regulation of the voluntary inspection program.

The Amalgamated Meat Cutters and Butcher Workmen, AFL-CIO, pointed out in 1955 that certain poultry diseases can be transmitted to man. Among these are psittacosis—parrot fever—which has been traced to turkeys, and a virus infection called Newcastle disease. The United States Public Health Service reported that in 1948 nearly 2,500 cases of food-borne disease were traced to poultry or poultry dishes.

Some poultry-processing plants handle hundreds of thousands of pounds of poultry a day. In all of 1952, the Food and Drug Administration seized only about 200,000 pounds of poultry as unfit for human consumption. The small budget the Food and Drug Administration has available for such tasks is no substitute for the same kind of continuous inspection the Department of Agriculture provides to protect the public from diseased or unhealthful meat.

The Amalgamated Meat Cutters and Butcher Workmen have submitted affidavits by their members, working in poultry-processing plants, about revolting conditions, about the processing and sale of diseased fowl, about the danger that diseased birds would contaminate the carcasses of poultry that was healthy when slaughtered through the contamination of assembly-line equipment.

What are we seeking? Simply, Federal Department of Agriculture inspection of poultry plants offering fowl for human consumption in the stream of commerce.

We propose no innovation in principle. Department of Agriculture inspection of meat-processing plants is well established. The people acknowledge it and would never dream of abandoning it.

We seek to extend the principle of inspection to poultry-processing plants, so that food produced commercially and offered for sale in commerce shall be watched and inspected and certified as fit all through the process.

We propose that a poultry inspection section shall be established in the Department of Agriculture and that all poultry or poultry products transported in commerce must be inspected and marked as inspected.

The individual farmer could be exempted by the Secretary of Agriculture. Time would be allowed—2 years—for establishment of the Poultry Inspection Service. But we provide penalties for violation and the process of injunction, granting any person accused of violation a right of trial by jury if requested.

The objective is to protect the people from consumption of unfit food produced commercially, and I believe that the proposals are sound and practical.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I want to commend the gentleman from Illinois [Mr. PRICE] for his very forceful statement on this important bill.

This legislation may not be vital in small communities close to the source of poultry supplies, however, the people of large urban areas, the principal consumers of poultry produced in many sections of the country are entitled to assurance that the poultry which they consume meets essential standards of wholesomeness—that it is fit and suitable for human consumption.

I am pleased to support this legislation and urge its enactment without delay.

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Illinois.

Mr. GRAY. I would like to associate myself with the remarks of the distinguished gentleman in support of this legislation. Although the bill does not do everything desired, it is a step in the right direction to help control disease and insure the public of getting the best meat and poultry possible.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. HARRISON].

Mr. HARRISON of Nebraska. Mr. Chairman, I rise only at this time to ask a question of the committee to make sure that we understand each other and that it is a matter of record, as to whether or not the provisions of this particular legislation are extended to the possessions and Territories and islands of the United States. Would it be the impression of the committee that this bill includes Hawaii, Puerto Rico, the Samoan Islands, and so forth?

Mr. WATTS. Mr. Chairman, if the gentleman will yield, I will say to the gentleman that I do not think there is any specific reference to Territories and islands.

Mr. HARRISON of Nebraska. I presume that these islands and Territories do produce chickens and turkeys and poultry of the kind that is sought to be protected by this legislation.

Mr. WATTS. I will have to correct that statement. On page 18 under "Definitions" it states:

For the purposes of this act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

So, I assume it does cover them.

Mr. HARRISON of Nebraska. So that it does cover possessions and Territories.

Now, if I may proceed for a moment. I do not want to appear to be opposed to anything that affects the health and welfare of the people of the United States, and it has been stated here that we have been getting, in some instances, a type of poultry that is not healthful or wholesome at all. In spite of that claim, if it is true, the consumption of poultry has grown from a very meager start to some

6 billion pounds a year. Now, it appears to me at this time, since we have no particular examples of how the health has been impaired in this country of ours by the consumption of poultry, that we might effect a little economy. And, when I talk about economy, I think you will all agree with me that we want to, as far as possible, cut down on the number of Government employees.

Let me give you just a little example of how our Government has grown and grown. When I came to the Congress back in January 1952 there was the same urge to cut down on the number of Government employees; we wanted to cut down the number in the different departments. I know more about the Department of Agriculture than I do any of the other departments, but from 1952 until 1957 we added something over 16,000 employees. Now, this is just another example of adding more and more employees to our Government and thus increasing our taxes. I get letters every day from my constituents back home wanting us to effect economy here, and here, I think, is a good place to effect economy and in no way adversely affect the health of this Nation of ours.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of Nebraska. I yield to the gentleman.

Mr. HALLECK. I stated in the remarks I made a little while ago, quoting Dr. Larrick, to the effect that so far as they can establish scientifically, no disease of poultry could be transmitted to a person eating that poultry. There has been reference here to 26 diseases to which poultry is susceptible and human beings are susceptible. I wish somebody who claims to be an expert on this would tell me first of all, are those diseases communicable, not by handling the poultry but by eating it, and particularly after it has been cooked? Are they such as could be determined in this post mortem inspection?

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

(Mr. HARRISON of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Chairman, I yield myself 1 minute and yield to the gentleman from Utah [Dr. DIXON], who referred to the communicable diseases, to the end that he might answer the inquiry propounded by the gentleman from Indiana.

Mr. DIXON. Mr. Chairman, we tried to find that information in the 1957 hearings, but it is in the 1956 hearings. I am referring to the data which are quoted.

Mr. HALLECK. The only thing that occurred to me is that there is a remarkably discrepancy in this very important matter, because my information is that these diseases you might find in poultry are not communicable to the people who eat the poultry after it has been cooked; and so far as I know everyone cooks a chicken before he eats it.

Mr. COOLEY. Is the gentleman taking the position that it is just as well to eat bad poultry as to eat good poultry?

Mr. HALLECK. Just a minute, Mr. Chairman. I am not taking the position

that it is good for people to eat bad poultry. But if my wife buys a chicken, and it smells bad, or is deformed, she can detect that and does not need to have somebody inspect it to know it.

Mr. COOLEY. Mr. Chairman, I yield to the gentleman from Illinois 1 minute for an observation.

Mr. PRICE. Mr. Chairman, in 1948 the United States Public Health Service reported 2,500 cases of parrot fever due to poultry.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. COOLEY. Mr. Chairman, I yield myself 1 further minute and yield to Dr. DIXON to go further into this matter.

Mr. DIXON. Mr. Chairman, in reply to my colleague from Indiana [Mr. HALLECK] psittacosis is a disease confined largely to handlers of poultry. We have a record of 1,145 of those cases. There was an outbreak of it in the Northwest.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman. The handlers had that disease.

Mr. HALLECK. Of course, a post-mortem inspection is not going to do any good in connection with ornithosis in turkeys and the psittacosis that results. It is just like tularemia in rabbits; you do not get it from eating the rabbit.

Mr. DIXON. This would protect the handlers and prevent epidemics because the bill gives the Secretary authority to make ante mortem inspections. But, Mr. Chairman, let us go further.

Poultry diseases communicable to humans are a public health hazard.

At least 26 diseases can be communicated to man through poultry.

In a report by Mildred M. Galton, bacteriologist, Communicable Disease Center, Public Health Service, Federal Security Agency, Atlanta, Ga., it was stated:

The diseases of poultry to which man is also susceptible comprise a rather large group. In his excellent review Ingalls (W. L. Ingalls. *The Public Health Aspects of Poultry Diseases*. Proceedings American Veterinarians Medical Association; 87th annual meeting, August 1950, p. 282) lists 26 such diseases including those caused by bacteria, viruses, fungi, and protozoa. It is apparent that some of these diseases constitute a considerable hazard to public health.

Disease statistics are incomplete, but they tell an important story.

Psittacosis affects poultry plant workers. The number of recorded cases from 1940 to July 16, 1955, was 1,145, including 26 deaths. These figures do not tell the full story of lost man-hours, illnesses and deaths. The National Office of Vital Statistics lists no deaths and only 32 cases of illness due to psittacosis in 1948, but Dr. J. B. Irons, director of laboratories of the Texas State Department of Health, has reported 3 deaths and 22 cases occurring among turkey plant workers in Giddings, Tex., alone during that year.

Limited figures on salmonellosis attributed to poultry or poultry products—F. S. A. National Office of Vital Sta-

tistics—show 749 cases between January 13, 1951 and December 20, 1952.

Similar figures on gastroenteritis attributable to poultry products show 1,243 cases between June 16, 1951 and December 20, 1952.

Findings of the United States Public Health Service show that 1 out of 4 food poisoning cases studied were the result of poultry or poultry products. It should be noted, however, that many of these came from the processing, but most from poultry handling after processing.

In addition to the prevention of disease, sanitation would be greatly improved.

While it is true that when poultry is thoroughly cooked most disease organisms are killed, the consumption of such poultry is like eating well-cooked garbage.

To illustrate the fact that eating some poultry is like eating well-cooked garbage, I would like to quote from some affidavits given in testimony before the Poultry and Eggs Subcommittee of which I am a member. These statements were furnished by Representative LEONOR K. SULLIVAN of Missouri.

(Hearings before Subcommittee on Poultry and Eggs. July 17 and 18, 1956, p. 41.)

"My job was to pull feathers and those who were on the job with me and I were the first ones to handle the chickens after they had passed through the scalding process and roughing machine. When the chickens reached me most of the feathers were off the bodies and I could see the skin of the birds very clearly. It was quite often that thousands of chickens would pass on the line with sores on their bodies. Thousands of them would have large swellings as large as a chicken egg on their bodies. These swellings were filled with a yellowish pus and the odor was very strong."

Or as a worker in another plant has said:

"I work on many different jobs on the line. During this time I saw lots of chickens with lumps on them and some were full of sores. Sometimes when the lumps were cut off or they would burst, they smelled awful bad. All of these chickens went right through with the other chickens for shipment."

Or as another employee states in an affidavit:

"When a lot of chickens were returned to our plant because the customer would not take them because they were not the quality he wanted, these chickens were cut up in pieces and frozen and shipped to another customer. Many times these chickens were in not very good condition when they came back to the plant."

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, when I asked for this time it was for the purpose of asking a few questions, many of which have since been answered. So I shall not consume all of the 4 minutes.

I should like to ask the chairman of the subcommittee, however, a question or two in order to clarify some points in my mind that have not been resolved in the debate.

As I understand it, we now have a voluntary program which this proposed legislation will nullify; is that correct?

Mr. WATTS. That is right.

Mr. JONAS. This voluntary program is participated in by what proportion of the processing industry?

Mr. WATTS. Between 25 percent and 30 percent of the poultry that is processed. It is used mostly by the large processors, and I would assume on a numerical basis it is a much smaller percentage than 25 percent.

Mr. JONAS. But it is used principally by the large processors?

Mr. WATTS. That is right.

Mr. JONAS. Is it true that the concerns now under the voluntary program pay for the inspection?

Mr. WATTS. That is right.

Mr. JONAS. But they would be relieved of that obligation under this legislation and the taxpayers generally would assume the entire cost of the program?

Mr. WATTS. Yes. It was felt by the committee that it was a matter of national concern, and one which was addressed to the consuming of the poultry rather than the processing.

Mr. JONAS. Under this proposed legislation, how much will the big processors be relieved from paying which they are now paying under the voluntary program?

Mr. WATTS. I do not have the exact figures on that. They told us in the committee that when the program was in full operation it would cost about \$10 million a year. If 30 percent of the poultry inspection is being paid for by voluntary processing at this time, I assume you would say that 30 percent of \$10 million is what they are paying. I doubt, however, if it runs that high, because there are so many little plants that it is going to cost more per bird to inspect them than it will in the larger plants.

Mr. JONAS. It is true, is it not, that if we go into this program, and it is a new program, a new authorization, for which appropriations will have to be made hereafter from year to year to support it, if we begin the program we should be prepared to expand it as the country grows and additional processing plants are established?

Mr. WATTS. I would assume that, like everything else in this country, as the country grows it probably will grow.

Mr. JONAS. I think the Committee should realize that this is another one of the authorization bills that we frequently have before the Committee, and that the estimate is that it will cost \$10 million a year. From the information gained from the questions asked here today, it would appear that, with respect to at least 30 percent of that money, this legislation will relieve the big processors of a considerable obligation they have heretofore assumed and passes that obligation on to the general taxpayers.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Indiana.

Mr. HALLECK. From the report itself having to do with the cost of the program I quote this statement by the Department:

It is believed that the enactment of this proposed legislation would result in a need for \$7,750,000 on an annual basis during the

first year and an annual appropriation of approximately \$10 million for each subsequent year. This amount would, of course, have to be increased to the extent that the act was applied to cities and areas as provided in section 4. A study would be made in the interim, before the legislation became fully effective, to serve as a basis for arriving at the cost of the program.

There is no question in my mind that the way this legislation is drafted practically all intrastate processors are going to have to arrange for this inspection if they expect to stay in business. When I estimated that the cost would be from \$10 to \$20 million a year, \$10 million is the low limit and I think \$20 million is a low high limit.

(Mr. JONAS asked and was given permission to revise and extend his remarks.)

Mr. WATTS. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I should like to ask the chairman of the committee one question in relation to this last discussion. Is it not true that at the present time the large processors are the only ones that can afford this inspection and, therefore, they in essence have preempted the field; and that by doing as proposed under this bill, the small processors would get an opportunity to get back into the market and get their fair share of the market?

Mr. WATTS. The gentleman is exactly right. The testimony before our committee and the statements of the Department would bear out what the gentleman has said. At the present time only the large processors are in a position to have the inspection done, and due to the advertising campaign that has been put on in many places the small processors are being hurt.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Indiana.

Mr. HALLECK. I do not know whether or not the gentleman was here when I spoke earlier, but I had a letter from a constituent of mine in my home county in Indiana who is in the wholesale processing business on a very small scale. He said in his letter there were 15 other small processors in that 1 county. I know a great many of them personally. Do I understand that they are going to be kept in business and that the Government somehow will arrange to have an inspector at these 15 little processing plants in 1 county in my district? If that is to be arranged, and if they are going to continue in business and have this inspection, all I can say is that it is going to require a lot more inspectors than anybody has been talking about up to this point—and remember we do not have these giant mechanized processors.

Mr. ROOSEVELT. I think that would be a proper question for the chairman to answer.

Mr. WATTS. In answer to the gentleman, I would like to suggest that this bill specifies that we may use State employees and that we may hire people by the hour or that arrangements may be

made in your county or community where you do a small amount of processing. Further, where a small amount of processing is done, it probably is not done all in 1 day and probably one inspector can serve more than one plant. Further, a cooperative agreement may be entered into between the Federal Government and your State or county or other State agencies to perform the inspection service. Furthermore, there is a provision allowing the Secretary to grant an exemption until 1960 where it would be impracticable in the beginning of the program to provide inspection. I am frank to admit to the gentleman that we may run into a good many problems in the administration of this law, and certainly the Congress is going to be in session after this year; and after this thing starts, if we have bit off more than we can chew, I shall be the first to join with the gentleman to straighten the matter out.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I am happy to yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. Has the Director of the Budget approved this bill?

Mr. WATTS. Yes.

Mr. REECE of Tennessee. It does not say so in the report; does it?

Mr. WATTS. The Department of Agriculture will never submit a report to us favorably until the Bureau of the Budget gives them permission to do so, and that has been the procedure in the past.

Mr. REECE of Tennessee. My experience has been that, when it is submitted to the Director of the Budget, the report states that it has been so submitted to the Director and has been approved by him.

Mr. McINTIRE. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield.

Mr. McINTIRE. May I say to the gentleman from Tennessee that under date of March 6, 1957, in a communication addressed to the Honorable HAROLD D. COOLEY, chairman of our committee, signed by the Secretary of Agriculture Mr. Benson in the last paragraph, and I quote:

The Bureau of the Budget advises that there is no objection to the submission of this report.

This is a favorable report in which some amendments are suggested by the Department.

Mr. WATTS. Mr. Chairman, I yield such time as he may require to the gentleman from Wisconsin [Mr. ZABLOCKI].

Mr. ZABLOCKI. Mr. Chairman, I want to join with my distinguished colleagues in urging prompt enactment of H. R. 6814, the bill to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

I have actively supported this proposal, and I am happy that it has reached the floor of this House so that we may debate it and approve it without further delay.

The enactment of this measure is vital to health of the American people.

Most immediately, an effective, compulsory poultry inspection program is necessary to minimize the health dangers which face thousands of poultry workers in many plants. These dangers, which range from bothersome skin rashes and infections to killing psittacosis, have been recognized a long time ago by poultry workers and their organizations. It is to the credit of these organizations that they have consistently and energetically advocated the enactment of legislation to protect poultry workers against health hazards, and to safeguard public health.

A poultry inspection program along the lines outlined in the bill before us is equally important to the health of poultry consumers throughout the Nation. The scandalous practices by some individuals of the poultry industry which have jeopardized public health, must be ended.

The consumer must be assured of a clean and wholesome product, and this legislation would help to achieve that objective. For this reason, it deserves our prompt and wholehearted approval.

The report submitted by the Agriculture Committee on H. R. 6814 points out that this bill was drafted after the committee held extensive hearings on this proposal. In the course of the hearings, the committee received testimony from more than 70 witnesses, representing parts of the poultry industry, health officers and other representatives of States and cities, general consumer organizations, labor unions, and all of the major farm organizations.

Without exception, all of the witnesses expressed themselves in favor of some type of compulsory poultry inspection.

Their testimony alone shows the urgent need for the enactment of this legislation.

I sincerely hope that H. R. 6814 will receive our prompt approval. The program it proposes is badly needed in the interests of the consumers and of the poultry workers of our Nation. It should be enacted into law without delay.

(Mr. ZABLOCKI asked and was given permission to revise and extend his remarks.)

Mr. WATTS. Mr. Chairman, I yield such time as he may require to the gentleman from California.

Mr. HAGEN. Mr. Chairman, this legislation was considered by our committee with very little controversy and to my knowledge there was no audible dissent when we passed it out. Oddly enough, this is one of the few bills that comes out of our committee which looks principally to the interest of the consumers of this country, the housewife. We rarely pass anything here for the benefit of the housewife. This is one of those items. Actually, in referring to the cost of inspection, you might as well argue that we should abolish the Food and Drug Administration if we are to make the relatively small cost involved here the controlling consideration because this is a program which is for the protection of everyone in their homes. If the private packer pays it, he passes it on to the consumer. So the housewife is going to pay for the bill in the long run any-

way. To get a uniform impact in this kind of program, we need this kind of law.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, we have no further requests for time.

Mr. WATTS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Poultry Products Inspection Act."

LEGISLATIVE FINDING

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome poultry products in the channels of interstate or foreign commerce are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of large centers of population directly affects the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, the Secretary of Agriculture is authorized, pursuant to the provisions of this act, to designate major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. Upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this act for such area to be subject to the provisions of this act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such

area will tend to effectuate the purposes of this act, he shall by order designate such area and prescribe the provisions of this act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until 6 months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this act.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION AND QUARANTINE

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the product shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the product shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of section 6 of this act.

SANITATION, FACILITIES AND PRACTICES

SEC. 6. Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required and approved by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated city or area, of poultry products which are unwholesome or adulterated.

LABELING

SEC. 7. (a) Each shipping container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any poultry product inspected under the authority of this

act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed.

(b) The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this act or the container thereof which is false or misleading is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason to believe that any label in use or prepared for use is false, or misleading, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within 30 days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. The following acts or the causing thereof are hereby prohibited:

(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this act.

(b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this Act.

(c) Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification or device for making such mark or identification, used in connection with the inspection of poultry, or poultry products under this act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counter-

feited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this Act when such poultry or poultry product has in fact not been so inspected.

(d) Using in commerce, or in a designated city or area, a false or misleading label on any poultry product.

(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated city or area, upon presentation of appropriate credentials.

(g) The refusal to permit access to and the copying of any record as authorized by section 10 of this act.

(h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceeding under this act, any information acquired under the authority of this act, concerning any matter which as a trade secret is entitled to protection.

(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this act), in commerce or from an official establishment or in a designated major consuming area, except that such poultry may be permitted to be transported between official establishments and to foreign countries pursuant to rules and regulations prescribed by the Secretary.

SEC. 9. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated city or area shall process any poultry or poultry product except in compliance with the requirements of this act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 10. For the purpose of enforcing the provisions of this act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Nothing in this section shall be construed as requiring the maintenance of a record for a period longer than 2 years after the transaction, which is the subject of such record, has taken place.

INJUNCTION PROCEEDINGS

SEC. 11. The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this act. The remedies provided for in this section shall be in addition to, and not exclusive of, any of the remedies or penalties provided for elsewhere in this act or now or hereafter existing at law or in equity.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 8, 9, 10, or 17, shall be

guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 6 months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after 1 conviction of such person under this section has become final such person shall be subject to imprisonment for not more than 1 year, or a fine of not more than \$5,000, or both such imprisonment and fine; but if such violation is committed after 2 or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than 2 years, or a fine of not more than \$10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this section for a violation of the provisions of sections 8 or 17 by reason of his receipt, carriage, holding or delivery, in the usual course of business as a carrier of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this act or were not eligible for transportation under this act. Any carrier who with or without knowledge violated section 10 of this act shall be subject to the penalties of this section.

SEC. 13. Before any violation of this act is reported by the Secretary to any United States attorney for institution of a criminal proceeding the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of injunction proceedings violations of this act whenever he believes that the public interest will be adequately served and compliance with the act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 14. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this act.

EXEMPTIONS

SEC. 15. (a) The Secretary is authorized, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, to exempt from specific provisions of this act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores: *Provided*, That the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises in which such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poul-

try products processed by such person: *Provided, however*, That no such exemption shall continue in effect on and after July 1, 1960;

(4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this act.

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this act.

VIOLATIONS BY EXEMPTED PERSONS

SEC. 16. Any person who sells, delivers, transports, or offers for sale or transportation in commerce or in a designated major consuming area any poultry products which are exempt under section 15, knowing that such products are unwholesome and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

IMPORTS

SEC. 17. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, and fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this act. All imported slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this act and the Federal Food, Drug, and Cosmetic Act, and acts amendatory of, supplemental to, or in substitution for such acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 18. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this act.

(b) In carrying out the provisions of this act, the Secretary may cooperate with other branches of government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 19. The cost of inspection rendered under the requirements of this act shall be borne by the United States. The Secretary of Agriculture is authorized in his discretion to pay employees of the Department of Agriculture, employed in establishments subject to the provisions of this act, for overtime or holiday work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such premium pay work is performed reimbursement for any sums paid out by him for such work such reimbursement to be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 21. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

DEFINITIONS

SEC. 22. For the purposes of this act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(g) The term "unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produce in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(h) The term "adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their

production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided*, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(i) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this act, under an agreement entered into between the Secretary and the appropriate State agency.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture, designated by the Secretary as having the responsibility for carrying out the provisions of this act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this act.

(n) The term "label" means any written, printed, or graphic material on the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, or the poultry product, or accompanying such product.

(o) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term "immediate container" includes any consumer package; or any carton, box, barrel, or other receptacle in which poultry carcasses or poultry products, not consumer packaged, are packed.

EFFECTIVE DATE

SEC. 23. This act shall take effect upon enactment, except that no person shall be subject to the provisions of this act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this act with respect to all poultry or poultry products handled in the establishment for which said application for inspection is made.

Mr. COOLEY (during the reading of the bill). Mr. Chairman, I ask unani-

mous consent that the bill may be considered as read, be printed in the RECORD, and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATTS. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. WATTS: On page 11 strike out the heading to section 11 on line 16 and strike out all of section 11, renumbering subsequent sections to conform.

Mr. WATTS. Mr. Chairman, this merely deletes from the bill the section that the Department of Agriculture tells me would serve no useful purpose, and it is not needed.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. WATTS. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. WATTS: In section 15, page 13, line 23, strike out the words "is authorized" and insert in lieu thereof the word "shall"; and on page 14, line 1, strike out the word "to."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. WATTS. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. WATTS: In section 15, page 14, line 5, following the word "consumers" insert the following: "or restaurants, hotels and boarding houses for use in their own dining rooms in the preparation of meals for sales direct to consumers."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. MATTHEWS. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MATTHEWS: On page 3, line 9, after the word "application" insert the following: "by the appropriate State agency which has been given the responsibility for administering and enforcing poultry inspection laws, or in the absence of such an agency."

Mr. MATTHEWS. Mr. Chairman, first I want to congratulate the distinguished chairman of this subcommittee on the excellent work he has done. I have talked this matter over with him and he understands that this amendment is not intended at all as an insult to the work that he and his subcommittee have done for so many weeks on this particular bill.

When this bill was reported by our committee I had an abdominal distress and I had to be at Bethesda that morning, and when I returned the bill had been reported. I give that explanation so that again the gentleman from Kentucky [Mr. WATTS] will understand why I have to take this particular opportunity to present the amendment.

The poultry producers of Florida were particularly anxious for this amendment, and if you had a chance to read

the hearings, you will read their sentiments about it.

In the State of Florida since 1933 we have had a State agency which has administered our poultry inspection laws. They have done a very commendable job. Those poultry producers in Florida feel that the State agency of Florida should be the appropriate agency to request the Department of Agriculture to have a public hearing to decide whether or not this law should take effect in a particular consuming area.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield.

Mr. COOLEY. Is it the purpose of the gentleman's amendment to prevent inspection in major consuming areas unless the Federal Government or an agency thereof is requested by the State agency to make the inspection?

Mr. MATTHEWS. What my amendment would do would be to insist that where there is an appropriate State agency administering the poultry inspection laws, that that agency would be the agency to request the Secretary of Agriculture to hold this hearing.

Mr. COOLEY. Now, assuming that there is an agency in a consuming area that the gentleman has in mind, unless that State agency requests the Secretary of Agriculture to provide inspection service in that area, no inspection service would be provided?

Mr. MATTHEWS. That is absolutely true, and I think it is a good idea.

We all have some concern about Congress, when it passes legislation preempting State laws. If my amendment were passed it would be a safeguard. If there is no appropriate State agency, the appropriate governing body or official of that area, or the local poultry industry in that area could then call upon the Secretary of Agriculture to hold this hearing and determine whether or not that particular area would come under the provisions of this bill.

Mr. Chairman, that is all there is to it. I am not going to take any more time, but I hope the amendment is carried.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield.

Mr. AUGUST H. ANDRESEN. I would like to understand the gentleman's amendment correctly. Does he mean by it that if it is approved the State of Florida would be exempt from the provisions of this act?

Mr. MATTHEWS. No; no, I do not mean that at all; I mean that the State agency of your great State, or of New York, or of California, if they have an appropriate State agency that is at the present time administering these poultry inspection laws, that that State agency would be the agency to call upon the Secretary of Agriculture to hold this public hearing. If they did not have such an agency then these other agencies would make the application.

Mr. AUGUST H. ANDRESEN. Then you want to keep the Federal Government in it, but you want to use the State agencies to make the application to the Secretary to send in Federal inspec-

tors to handle the situation in Florida in other States?

Mr. MATTHEWS. Of course, the State agency may decide that they do not want to do it; but I think they would be taking a good deal of responsibility if they did. I do feel, however, that it should be left with the local State agency.

Mr. AUGUST H. ANDRESEN. If they want to do it then they could call in the Federal Government; is that correct?

Mr. MATTHEWS. That is right. I think they will do it. In Florida we have a very fine inspection system.

Mr. AUGUST H. ANDRESEN. No doubt you have, as there are in other States, but I am rather interested in the gentleman's argument that he wants to take Florida out of the Federal union.

Mr. MATTHEWS. No, sir; I just want the Florida poultry agency to be the adjudicating agency, which I think is not asking too much.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. HALLECK. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Indiana.

Mr. HALLECK. I, too, would like to understand a little bit, if I can, just what is involved.

If I understand the gentleman's amendment correctly it would deal with that section of the bill which makes it possible for shipments which would otherwise be intrastate commerce to become in effect interstate commerce so as to make it controllable by the Federal Government; in other words, in creating these consuming areas or designating them, the Federal Government steps in and says that the Federal regulations shall apply even though otherwise it would be intra-state commerce. In other words, if beyond the city limits of Miami there are Florida producers who ship into Miami, which commerce ordinarily would be considered intra-state, yet under this bill it could be designated as a major consuming area and then the Federal Government could step in and control it as though it were interstate commerce.

As I understand the gentleman's amendment it would keep the Federal Government from coming in and controlling what otherwise would be completely intra-state commerce unless the State of Florida through its proper agency invited them to do it.

Mr. MATTHEWS. I think my amendment would cover that feature; yes.

Mr. HIESTAND. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield.

Mr. HIESTAND. Do I understand that if the gentleman's amendment is adopted the States will have authority to refuse to allow this Federal inspection in interstate commerce?

Mr. MATTHEWS. No, sir; no, it would not. If the gentleman has the bill before him he will see it applies to this section 4 which provides that upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by the local poultry industry group in such area the Secretary may conduct public hearings to ascertain whether or not this act shall be in effect in that area.

My amendment would say that when you have an appropriate State agency administering poultry laws it shall be the one to make the application.

Mr. HIESTAND. In other words, it does not affect interstate commerce by itself?

Mr. MATTHEWS. No, sir.

Mr. WATTS. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, we discussed this amendment in our subcommittee at length and came to the conclusion that it would be ill advised to put the amendment in the bill for the following reason: We tried to make this bill as broad as we could in order that every little processor of poultry might have the opportunity, if he was shipping into a major consuming area, to come under the terms of the bill. We could very readily visualize a situation where the State government, the State health official or a State inspection official might fail to act, although favoring a program of this kind. But they might not be functioning as they should, and I am not saying that the agency mentioned by my good friend from Florida is not functioning very good. However, I guess he will agree with me that it lacks a lot of being perfect. If the State official said "No," then the entire State and every large city in that State or every consuming area in that State of any size, as well as every little processor that wanted to ship into one of those areas, would be completely deprived of the opportunity of getting Federal inspection. So we thought we would make it a little more democratic and instead of saying that the State shall have full authority, we would leave it up to each consuming area and the processors of that consuming area who wanted Federal inspection to ask the Secretary to call a hearing and determine whether or not it would be the feasible, possible and proper thing to do.

I am not going to stand up here and tell you it will not work in the way the gentleman has stated, but I am very much afraid if you agree to the gentleman's amendment, you will find that possibly through some arbitrary act—you would have a situation where somebody who wanted to come in under this act would be prohibited from doing so. Take up in New York or New Jersey, you do not know when you go out of one town into another. If the governor or the chief inspection official of any one of those States that is involved in that concentration of population had the authority to stop this for the whole of the area, you might find a situation that would work to the disadvantage of the

whole area. The way we have drawn the bill provides that a majority of the governing authorities of a consuming area shall prevail, and we had that in mind when we drew the bill. There are places like New York City where they have 5 or 6 boroughs. We did not want to fix it so that one borough could deny the whole of the area the right of inspection. So we said that the majority of the authorities, or in the event the governing authorities did not do so, the processors of the poultry who ship into that area, could petition for a hearing.

I am fearful of the effect of my good friend's amendment and I request that the committee vote the amendment down.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Indiana.

Mr. HALLECK. Is there any merit in the suggestion that has been made by some people that the reason for having this designated area arrangement in respect to what might otherwise be intrastate commerce, and what would continue to be intrastate, is that the local processors would be able to sell the poultry to the consuming public at a reduced price?

Mr. WATTS. No.

Mr. HALLECK. What is the burden on interstate commerce to which the gentleman refers in the act in several places, including the declaration?

Mr. WATTS. In cities like Louisville, Ky., and Indianapolis, Ind., there will be lots of poultry move into both places—some of it will be shipped in interstate commerce and quite a bit will be shipped in from the surrounding territory around the two towns. Certainly, both types of poultry are going to be commingled and one is going to become a burden on the other. As I understand the law with reference to interstate commerce, any commodity that is declared to be a burden on interstate commerce can be regulated as though it were moving in interstate commerce. In all probability the Department of Agriculture could exercise its right under this bill to inspect such poultry even though we did not provide for it in the act. The language in the act dealing with designated consumer areas can be considered a limitation in that before the Department can exercise authority in such an area they must be petitioned by a majority of the governing officials of the area or by the poultry processors in the area.

Mr. Chairman, I ask that the pending amendment be defeated.

Mr. McINTIRE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just have one or two observations to make. I would point out that in some of the bills introduced and considered by the committee, that the full jurisdiction in relation to the designation of these areas rested with the Secretary. It was felt that it should be broadened to include other factors which were involved within the area.

It seems to me that the bill as presented by the committee has broadened it sufficiently to bring in those local in-

terests, and I believe a very substantial problem would be created in the amendment offered by the gentleman from Florida if we were to broaden it further. We have attempted to bring in the local interests, both the municipal and the city authorities and those concerned directly with the poultry industry. It is my opinion that this broadens it sufficiently to bring in those interests adequately, and we have provided for public hearings before the Secretary can proceed. I think it is broadened sufficiently to protect the local people and that the State does not necessarily need to be brought into this field.

Mr. Chairman, I urge the defeat of the amendment.

(Mr. JACKSON asked and was given permission to revise and extend his remarks.)

Mr. JACKSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, perhaps I obtained the floor under somewhat false pretenses, but I did want to ask several questions of the chairman of the committee and of the subcommittee.

I am not quite clear in my own mind as to what the situation would be in, let us say, the State of California, where an adequate State system of inspection exists. Would the gentleman elaborate briefly as to what the effect of this act would be upon the State agency which is properly constituted and, so far as we know, is doing a good job?

Mr. WATTS. Mr. Chairman, if the gentleman will yield, under the present setup we have voluntary poultry inspection. Of course, you have a right good system in California of inspection, but the biggest objection that we see to it—and it is not critical—is that the employees of the plant do the inspecting, whereas we felt that some employee of the Federal Government should do the inspecting. But, that is beside the point. We have in this bill a provision that the various States and the Federal Government should cooperate one with the other, and it is our information that the State of California is now cooperating thoroughly with the voluntary system and that wherever the poultry people have put in a voluntary Federal system that the State has recognized that as ample and sufficient. The Federal Government has always cooperated with the State. We have provided in here that the Federal Government, when this law becomes effective, may use State employees as inspectors, and we feel like we have erected sufficient safeguards to guarantee or assure that there will be a cooperative exchange of interests between the State and the Federal Government.

Mr. JACKSON. I thank the gentleman for the explanation.

There is, of course, grave and widespread concern over the constant expansion of the power of the Federal Government, and I am speaking now relating what I say to some of the decisions of the Court, the preemption theories in certain areas of the Federal domain in which they have extended those powers in the respective States overriding the agencies which are con-

stituted to do certain things, pre-empting powers which were never delegated to them in the first instance by the Congress. This is a matter of grave concern to a great many of us, and we are concerned with any legislative devices which might further tend to give to the agencies of Government powers which are not intended to be exercised.

Mr. HAGEN. Mr. Chairman, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from California.

Mr. HAGEN. Mr. Chairman, in answer to the gentleman's question, this legislation has the endorsement of the State Director of Agriculture in California. Actually their service is not really quite under way. That is, it is fairly recent. It is one of the few compulsory setups in the country. But they are heartily in accord with this proposed legislation, because this protects our own producers. A lot of this uninspected poultry has been coming into California and placing our own poultry producers at a disadvantage.

Mr. JACKSON. My request was merely for an explanation.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman.

Mr. HALLECK. I do not know whether the gentleman was here on the floor when the gentleman from Virginia [Mr. SMITH] spoke on the matter of preemption. If I understood him correctly, he pointed out that there could very well develop out of the passage of this bill an extension of the doctrine of preemption which would mean that the State operations in the field covered by this bill would be precluded after the passage of the bill or after the enactment of it.

Mr. JACKSON. That is what I sense to be a very dangerous part of the legislation presently under discussion.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman.

Mr. HOFFMAN. I have an amendment at the Clerk's desk which will correct the situation to which the gentleman has made reference.

Mr. JACKSON. I thank the gentleman. I shall probably support it.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman.

Mr. MASON. The gentleman from Virginia [Mr. SMITH] said that we should put into this bill as a precaution a provision which would say that "Nothing in this act shall preempt the field or shall diminish the authority of the State courts to act under the jurisdiction of their own laws." But we put that in the Smith Act. That very provision was in the Smith Act, and our Supreme Court ignored the intention of Congress. So if we put it into this bill it will be ignored again by the same Supreme Court. And that would be no protection at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MATTHEWS].

The question was taken; and on a division (demanded by Mr. MATTHEWS) there were—ayes 27, noes 56.

So the amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: On page 23, after line 11, insert a new section to read as follows:

"Sec. 24. This act shall not be construed as invalidating any provision of State law which could be valid in the absence of this act, unless there is a direct and positive conflict between an express provision of this act and such provision of State laws so that the two cannot be reconciled or consistently stand together."

(Mr. HOFFMAN asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN. Mr. Chairman, will the committee not accept this amendment? It carries out the intent of H. R. 3 introduced by the gentleman from Virginia [Mr. SMITH] and on which he has been unable to get action.

Mr. WATTS. Mr. Chairman, I should like to ask the gentleman a question or two about the amendment. The committee has not had very much opportunity to give it consideration.

Mr. HOFFMAN. Only for the last 10 or 15 minutes.

Mr. WATTS. If I understand the gentleman's amendment, it proposes that where the bill under consideration does not positively repeal some State law or does not run contrary to it, it would not repeal any State law.

Mr. HOFFMAN. If I understand the gentleman correctly, that is the purpose—that is, the adoption of this amendment is notice to the Supreme Court that by the enactment of this bill we do not repeal present State law nor prohibit consistent future State law.

Mr. WATTS. In other words, if there is a State law that can be reconciled with this bill, that State law shall remain in full force and effect. The only time this bill we are considering now would repeal a State law would be when there was a direct conflict between the two that is unreconcilable.

Mr. HOFFMAN. And the two could not be reconciled and be made to work together, that is correct. The purpose is, again, to call the attention of the Supreme Court to what Congress apparently failed to make clear to the Court in other legislation—that the Congress does not intend by the enactment of a bill to preempt the field so that the States are deprived of authority and opportunity to legislate in the same field.

Mr. WATTS. Under those circumstances, while I have not consulted the whole committee, I would have no objection to agreeing to the amendment.

Mr. AUGUST H. ANDRESEN. I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, those of us who have been in this body for some years are acquainted with the history of this legis-

lation and the effort in past years to have legislation along this line enacted into law.

The subcommittee is to be congratulated on the careful and exhaustive manner in which it conducted hearings and the very careful manner in which it considered the bill in executive session. It is to be congratulated on reporting this bill.

I have heard the argument made that this bill originated in the minds of certain meatcutters. I remember well the gentlewoman from Missouri [Mrs. SULLIVAN] fighting for legislation of this type as far back as 1954. I remember well an important statement she made at that time, that she was urging the passage of such legislation because it protected the consumers of our country.

The relationship between the person who toils on the soil and the one who toils in the factory is very close. I come from a city, and there is not a farm located in my district, but I have year in and year out talked about the importance of the relationship between the toiler on the soil and the toiler in the factory and their interdependence. It seems to me this bill is an illustration of that interdependence. I believe those who produce the poultry of America, and they are toilers on the soil, should be interested in seeing legislation of this kind enacted into law. This legislation protects the farmer. In protecting the consumer it also protects those who are engaged in this activity on the soil.

The committee has been very careful in seeing that the bill does not regulate in any manner the handling and shipment or sale of live poultry. As is stated in the report, it does not apply to poultry processors not engaged in interstate commerce unless the processor markets within an area designated by the Secretary under section 4. The bill does not apply in any manner to the processing or sale of eggs or egg products or game birds.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. I certainly would not want to take anything away from the comment the gentleman has made about the gentlewoman from Missouri, whose interest in this legislation, we understand, is long-standing. I think the gentleman referred to 1954. I do not recall that I made any particular reference to the meatcutters.

Mr. McCORMACK. Did I mention the gentleman's name?

Mr. HALLECK. No, the gentleman did not. However, if he will refer to the hearings on page 182, containing the testimony of Mr. Barker, director of the Poultry Department, Amalgamated Meat Cutters and Butcher Workmen, he will find that Mr. Barker stated:

Our union began its campaign for compulsory poultry inspection in 1946.

Mr. McCORMACK. I do not challenge that statement and that statement does not challenge anything that I have said. Of course, the meatcutters have an interest, but that certainly is not the primary purpose of this legislation. The

primary purpose of this legislation is for the protection of the consumers. As I said, the gentlewoman from Missouri [Mrs. SULLIVAN], in a speech as far back as 1954, which she made on the floor of the House in urging the passage of such legislation as this, based it primarily upon the premise that it is for the protection of the consumers. I do not think anyone can contradict that fact. This bill is an important bill. It is designed for the protection of the American people. It is a bill which should have been enacted into law before now. It was not done in the past, but the bill is before us now and I sincerely hope that the bill, as reported by the committee, will pass.

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

(Mr. HOFFMAN asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN. Mr. Chairman, well if the bill is designed to protect the health of the people, of course, there must be an inspection before the poultry is killed. There is no way of telling whether a chicken has had the croup by inspecting the carcass after the head has been cut off. If the bill is to protect the consumers of food, there should be a provision requiring inspectors in the retail stores. The bill does not propose that. We all know that stores get poultry all through the week and they hold some of it over from Saturday until Monday of the next week. Some of us, and even I can when I get a chicken that has been cooked—I can tell whether it has been a little bit too long on the shelf even though it has been in the refrigerator, unless it has been frozen solid because it gets a certain taste along the upper part of the leg. You know that a chicken has been dead too long when you find a chicken that is cooked and it has a little bit too much dark meat where there should not be so much—you know it has not been bled properly. Another thing, the bill seems to show a lack of confidence in the Food and Drug Administration because it expressly takes away the jurisdiction of that Department and puts enforcement as well as administration under the jurisdiction of the Secretary of Agriculture.

The most enjoyable feature of the bill, the only one in fact, if I may put it that way, is that is not quite the right expression, but I certainly like one thing in this bill. We all know there has been a lot of talk here on the floor from members of the Agriculture Committee, especially from some folks from the South and around in Texas, about the Secretary of Agriculture, Mr. Benson. He has been called most everything, cussed up hill and down. Well, here is a declaration of confidence in Secretary Benson, better late than never. Read the bill through page by page, paragraph by paragraph, and sentence by sentence. Then confess and repent. I know the gentleman from Texas [Mr. POAGE] will be interested and take notice as well as will the gentleman from North Carolina [Mr. COOLEY] in those provisions of this bill which they support and which so clearly

expresses complete faith in the ability, the courage, the determination, the good faith of our Secretary of Agriculture—qualities which have been sometimes questioned but are now acknowledged to be his. Permit me to congratulate you two gentlemen and others upon having at last realized the greatness, the patriotism, the sincerity, and the ability of our Secretary of Agriculture and have by this bill conferred upon him. More he cannot ask and I hope he will call it to your attention when hereafter you venture to make complaints which I doubt you logically can do after the grant of authority carried in this bill.

Mr. ELLIOTT. Mr. Chairman, I rise in support of H. R. 6814, which provides for the compulsory inspection by the United States Department of Agriculture of poultry and certain poultry products.

I have recognized for some time that the consuming public is entitled to have an inspected chicken or broiler; and to that end, early in this session, I introduced H. R. 5463. Naturally, I feel that my bill is, in some respects, superior to the bill presently before us; but, realizing that all legislation of this type is the result of compromise, I am willing to accept this bill, together with such beneficial amendments as it carries, with the hope that any last-minute improvements indicated as being absolutely necessary can be effected by the conference between the House and Senate on the legislation. The Senate has already passed a bill providing for compulsory inspection.

If you accept the proposition that the American housewife is entitled to have the assurances of her Government that the poultry she buys has been inspected by her Government, and found to be clean and wholesome, then this bill or some reasonable approximation to it should be enacted. If inspection is to be compulsory, then it naturally follows in my mind that the cost of the inspection should be borne by the United States Government.

This bill provides that inspectors will be appointed by the United States Secretary of Agriculture, and I feel that he is given rather broad powers in this regard. However, I recognize the fact, especially in the early years when we are getting started with this inspection, that there should be great flexibility insofar as qualifications of the inspectors are concerned.

I have been assured by the hearings on this legislation, and by the debate this afternoon, that there is absolutely no intent on the part of this bill, or of any of its sponsors, to work an undue hardship upon any portion of the poultry industry. I am particularly interested to see that the small processors, those fellows who dress and process relatively a small number of birds, are not so burdened by redtape and regulation and undue requirements that they cannot continue to operate. I have been assured in this debate that there will be enough inspectors furnished by the United States Department of Agriculture, so that every poultry processing plant, however small or however irregular it operates, as long

as it dresses or processes poultry for interstate commerce, will have the benefits of the poultry inspection service. This is as it should be. As a matter of fact, the bill provides a way whereby those processing plants that process for the intrastate trade, but are located in such a manner that their products constitute some burden to the interstate movement of poultry products, will have an opportunity, upon petition and hearing, to come within the purview of this law and be entitled to its inspection benefits, even though they process and dress poultry only for the intrastate demands.

— There has been some suggestion in the debate here today that the passage of this bill will so slow down the operation of the processing plants as to cause the amount charged for dressed chicken to be unduly raised. However, I am informed by others, who have studied the matter, that perhaps most plants can be rearranged in such a manner that the slowdown caused by post mortem bird-by-bird inspection will not be too great. However that all may be, I feel, Mr. Chairman, the fact that the purchaser of chicken can be assured that his particular chicken was personally inspected, will be sufficient to increase the demand for poultry and poultry products sufficiently to overcome any deficiency occasioned by slowing down the lines in the processing plants. I am confident that eventually the matter can be worked out where there will be no real harmful effects.

Mr. Chairman, this bill should be passed. It is in the best interest of the consumer. It is, in the long run, in the best interest of the processor. It is in the best interest of the producer or grower of broilers.

Undoubtedly, inequities may appear as the operation of the bill gets underway, but I, for one, will be anxious to cooperate to iron out any inequities that may become apparent. I have the privilege of representing one of the largest poultry-producing areas of the country. The broiler and poultry industry is one of our large industries. There is being produced in the neighborhood of \$4 billion worth of poultry a year in the United States. Under such forward-looking legislation as this, I believe the industry will grow in capacity, in strength, and in quality.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. O'BRIEN of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 6814) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, pursuant to House Resolution 304, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. REECE of Tennessee), there were—ayes 93, noes 23.

So the bill was passed.

A motion to reconsider was laid on the table.

Mr. WATTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1747) an act to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, strike out all after the enacting clause of the Senate bill, and insert the language of the bill H. R. 6814.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. WATTS]?

Mr. REECE of Tennessee. Mr. Speaker, I object.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WATTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. PORTER. Mr. Speaker, this House has before it today legislation which I consider vital to the health of this country. H. R. 6814 would provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products. The poultry industry in the State of Oregon is important to Oregon economy. The industry is important in many other areas.

On June 27, I received a letter from Dr. Harold M. Erickson, health officer for my State. Dr. Erickson reminded me of Oregon's recent experience with the hazards to human health in the processing of diseased poultry. For this very reason, the State health authorities had significant cause to examine carefully the various bills introduced in the House of Representatives relative to poultry inspection. He said that the health authorities, after carefully reviewing them, recommend H. R. 6814. The health authorities of Oregon believe this bill offers the most protection to human health without sacrifice of practicability.

Dr. Erickson and his staff share my concern and belief that there is a real need for compulsory poultry inspection. Therefore, at this time, I want to strongly urge the passage of this proposed legislation. I want also to commend the members of the Committee on Agriculture for their investigation into this matter and for the subsequent legislation now under consideration. It is my understanding that without exception witnesses at the hearing held by the committee expressed themselves in favor of some type of compulsory poul-

try inspection. I think this is indicative of its need.

I have received a considerable amount of correspondence concerning this bill, and, unlike many issues, there has not been a single letter opposing its passage. I believe H. R. 6814 is legislation which will provide safeguards which long have been needed in the poultry industry.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

Mr. COOLEY. Mr. Speaker, I call up the conference report on the bill (S. 1314) to extend the Agricultural Trade Development and Assistance Act of 1954 and for other purposes, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. COOLEY]?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House, July 5, 1957.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

POLICIES WITH REGARD TO THE WATCH INDUSTRY

(Mr. MACHROWICZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MACHROWICZ. Mr. Speaker, within the past 10 days, I have returned from Geneva, Switzerland, where I served as an adviser to the United States delegation at the conference on the General Agreement on Tariffs and Trade. I returned home reassured that significant accomplishments are being made in efforts by the free nations of the world to eliminate quotas and to minimize other barriers to international commerce.

I want to say to my colleagues that I was very impressed by the manner in which the United States representatives discharged their responsibilities under situations which required the greatest delicacy and skill.

At the same time, I feel compelled to call the attention of the House to an incident which took place in Switzerland a short time before the GATT conference opened and which could have undermined the position of our representatives. The incident involves an official of the United States Department of Commerce who was visiting Switzerland and who requested a meeting with representatives of the Swiss watch industry.

At this meeting, I was reliably informed, the Commerce Department employee stated that he was an official representative of the United States Government. He then proceeded to disclose to the Swiss what he claimed will be the findings of the executive branch

with regard to petitions which have been filed by the domestic watch manufacturing industry for relief from import competition under section 7 of the Trade Agreements Act.

Specifically, this Commerce Department employee informed the Swiss that the United States Government would soon reaffirm the defense essentiality of the domestic watch manufacturers and would impose quotas on watch imports unless the Swiss "voluntarily" agree to introduce quotas on exports to the United States.

Mr. Speaker, I can think of no more improper way for an employee of the executive branch to perform on an overseas trip. First, this man posed as an official spokesman for the American Government. Then, he predicted actions by the administration long before any official decisions have been made. So far as I am aware, action on the watch petitions is still in a preliminary stage, and neither the ODM nor the White House has reached any conclusions. And finally, at the very time that our GATT representatives were preparing to leave for Geneva to work on a program aimed at reducing trade barriers, he was pleading for the imposition of a quota system on Swiss watch exports.

As many of my colleagues are aware, I have long maintained that the 50-percent increase in tariffs on imported watch movements, and other protectionist actions taken by the administration on behalf of the domestic watch manufacturers, were a serious mistake. It has been my belief that the so-called defense essentiality of the domestic watch manufacturers, which has been used to justify these trade barriers, is a myth—and it seems that the Defense Department shared this view at the time it filed a report with ODM recommending against Government assistance. This is the report, you will recall, which was prepared by the Defense Department in 1954, but was suppressed for many months in order to avoid embarrassment to the administration which had decided to yield to pressure—spearheaded by the Commerce Department—for a watch tariff increase.

Now it appears that the Commerce Department, or at least certain of its officials, is once again trying to take the lead in shaping policies at the Office of Defense Mobilization and the White House. Amazingly, these Commerce officials feel so confident that their protectionist views will prevail that they are informing the rest of the world in advance.

Mr. Speaker, I sincerely hope that these efforts by the Commerce Department to dictate the policies of the executive branch with regard to the watch industry will not succeed, and that ODM and the White House will, at long last, give this matter the objective study which it deserves. I am convinced that the President, who continually appeals to the Congress for enactment of liberal foreign-trade legislation, will recognize that actions speak louder than words, and that he cannot continue to allow the administrative departments and

agencies to undermine the policies which he so ardently espouses. I believe the President will want to put an immediate end to this kind of mischievous behavior by Commerce Department officials and will line up the executive branch solidly behind his program of a gradual reduction in trade restrictions, including those in the watch industry.

For this reason, I have written the President a letter outlining the serious impropriety which I have described and emphasizing the fundamental problem that an unwarranted action of this kind raises for our Nation. I am, indeed, looking forward to the days ahead, to see whether the administration again bows to protectionist influences within the Commerce Department or whether the President will make his views prevail within his own official family.

Mr. Speaker, I submit here the text of the letter I have written to President Eisenhower to be included as part of this statement. I sincerely hope that my colleagues in the Congress will find the opportunity to give it their careful consideration.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 3, 1957.

Hon. DWIGHT D. EISENHOWER,
President of the United States,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: I have just returned from GATT conferences at Geneva to which I was assigned by designation of Mr. SAM RAYBURN, Speaker of the House, and at the suggestion of our State Department to serve as an adviser to the United States delegation.

I found there that the United States representatives were faced with many tasks requiring the greatest delicacy and skill in negotiation, and I came to believe that they were discharging their responsibilities efficiently and intelligently.

One of the greatest problems confronting them is that of continuing to persuade the countries with whom we trade to abstain from the abuse of quotas, import restrictions, and other negative devices. I believe that unless our negotiators can be continuously successful in this respect, the entire structure of GATT can be rapidly undermined and the consequences will be seriously injurious to the trading and export position of the United States.

Under these circumstances, I am sure that you are fully in agreement with my feeling that American negotiators at GATT must obtain the fullest cooperation of all departments of our Government; and furthermore that great care must be exercised so that no department of our Government will be guilty of acts—either deliberate or inadvertent—which can have the effect of undermining the authority of our GATT delegation, or of creating confusion and doubt regarding the basic trade policies of the United States among our many trading partners.

I therefore feel that it is my obligation and duty to report to you what I believe was a flagrant misuse of authority by an official of the Department of Commerce, who, I learned during my visit, had come to Switzerland immediately before the GATT conference and conferred with officials of the Swiss watch industry.

On the basis of the most reliable available reports of this official's meeting with Swiss industry members, I learned that he represented himself as speaking directly for the Government of the United States. He advised the Swiss industry officials that our Government would soon again reaffirm the

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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For actions of July 15, 1957
85th-1st, No. 124

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HIGHLIGHTS: House committee reported bill to exempt from quotas certain wheat used on farm where produced. House passed compulsory poultry inspection bill. House passed bill to remove green peanuts from marketing penalties. House debated mutual security authorization bill. Sen. Morse criticized REA reductions. Rep. Staggers criticized Department's proposed changes in ACP programs. Rep. Avery commended Ass't Secretary Peterson's leadership in soil and water conservation programs. Rep. Hiestand introduced and discussed bill for greater coordination of Federal loan programs and fiscal and credit policies.

HOUSE

1. POULTRY. Passed with amendment, under suspension of the rules, S. 1747, to provide for the compulsory inspection of poultry and poultry products by this Department. This bill will now be returned to the Senate for consideration of the amendment to the bill. (This bill replaces a similar bill, H.R. 6814, passed by the House on July 9. See Digest 119). pp. 10577-83
2. PEANUTS. Passed as reported H.R. 6570, to amend the Agricultural Adjustment Act of 1938 so as to remove green peanuts from the marketing penalty provisions. p. 10568
3. WHEAT. The Agriculture Committee reported without amendment H.R. 8456, to exempt certain wheat producers from liability where all the wheat crop is fed or used for seed or food on the farm. p. 10637
4. FOREIGN AID. Began debate on S. 2130, the mutual security authorization bill, after adopting a resolution waiving all points of order against the bill. pp. 10593-615, 10627-36
5. MEATS. Passed over, on objections by Reps. Weaver, Byrnes, Wisc., and Marshall, H.R. 7244, to permit deductions for a self-help meat promotion program. p. 10568

6. BUDGETING. Passed over, on objections by Reps. Bow, Brown, Ohio, and Ford, H.R. 6900, to amend the Reorganization Act of 1946 so as to enable the Comptroller General to assist the Appropriations Committees in considering the budget. p. 10568
Passed over, on objections by Reps. Ford, Taber, and Horan, H.R. 8002, to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations. p. 10568
7. OLEOMARGARINE. Passed over, on objection by Rep. Byrnes, Wisc., H.R. 912, to amend the Navy ration statute so as to provide for the serving of oleomargarin or margarine. p. 10569
8. PUBLIC LANDS. Passed over, on objection by Rep. Heselton, H.R. 8054, to provide for the leasing of oil and gas deposits in lands beneath inland navigable waters in Alaska. pp. 10572-73
9. RECLAMATION. Passed without amendment S. 977, to suspend and modify the application of the excess land provision of the Federal reclamation laws to lands in the E. Bench unit of the Mo. River Basin project. A similar bill, H.R. 4410, was laid on the table. (p. 10574) This bill will now be sent to the President.
The Interior and Insular Affairs Committee reported with amendment, S. 1482, to amend the Columbia Basin Project Act so as to increase the limitation on the acreage one family might have of irrigated land (H. Rept. 810). p. 10637
10. CIVIL DEFENSE. Passed without amendment H.R. 7576, to amend the Federal Civil Defense Act of 1950 so as to permit the expansion of the civil-defense activity of the Federal Government to assume more responsibility for the national program. pp. 10583-90
11. NATURAL RESOURCES. Rep. Pfoest inserted a newspaper editorial discussing the natural resource policies of the Administration for the development of the resources of U.S. as compared with expenditures for the development of the resources of foreign countries. pp. 10620-21
12. PERSONNEL. Rep. Staggers spoke in favor of pay raises for Federal employees. pp. 10626-27

SENATE

13. ELECTRIFICATION. Sen. Morse criticized private electric utilities and charged they were trying to cripple REA programs. He urged an expanded REA program to aid in full development of rural areas. pp. 10563-4
S. 2406, to authorize construction of improvement works on the Niagara River, remained the Senate's pending business. p. 10515
14. FORESTRY. The Senate concurred in the House amendment to S. 44, to authorize the Secretary to exchange lands in the Apache National Forest, N.M.. This bill will now be sent to the President. p. 10559
Sen. Humphrey inserted an editorial urging enactment of S. 1176, to establish a national wilderness preservation system. pp. 10488-9
15. WATER CONSERVATION. Sen. Watkins announced the first water flow in the Weber Basin Water Conservancy District and explained the history of the project. pp. 10513-14

service, has the support of the Veterans' Administration. I strongly urge its passage by this House.

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. WATTS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, with an amendment.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Poultry Products Inspection Act."

LEGISLATIVE FINDING

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome poultry products in the channels of interstate or foreign commerce are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of large centers of population directly affects the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, the Secretary of Agriculture is authorized, pursuant to the provisions of this act, to designate major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. Upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this act for such area to be subject to the provisions of this act. If, after public hearing, the Secretary finds that poultry or poultry products are handled or consumed in such vol-

ume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this act, he shall by order designate such area and prescribe the provisions of this act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until 6 months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this act.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND QUARANTINE

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may be reprocessed be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the product shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the product shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of section 6 of this act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required and approved by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated city or area of poultry products which the unwholesome or adulterated.

LABELING

SEC. 7. (a) Each shipping container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the

contents were processed. Each immediate container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor, and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed.

(b) The use of any written, printed, or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this act or the container thereof which is false or misleading is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason to believe that any label in use or prepared for use is false or misleading, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within 30 days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. The following acts or the causing thereof are hereby prohibited:

(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this act.

(b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this act.

(c) Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification or device for making such mark or identification, used in connection with the inspection of poultry, or poultry products under this act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published,

or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this act when such poultry or poultry product has in fact not been so inspected.

(d) Using in commerce, or in a designated city or area, a false or misleading label on any poultry product.

(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated city or area, upon presentation of appropriate credentials.

(g) The refusal to permit access to and the copying of any record as authorized by section 10 of this act.

(h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceeding under this act, any information acquired under the authority of this act, concerning any matter which as a trade secret is entitled to protection.

(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this act), in commerce or from an official establishment or in a designated major consuming area, except that such poultry may be permitted to be transported between official establishments and to foreign countries pursuant to rules and regulations prescribed by the Secretary.

SEC. 9. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated city or area shall process any poultry or poultry product except in compliance with the requirements of this act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 10. For the purpose of enforcing the provisions of this act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Nothing in this section shall be construed as requiring the maintenance of a record for a period longer than 2 years after the transaction, which is the subject of such record, has taken place.

PENALTIES

SEC. 11. (a) Any person who violates the provisions of section 8, 9, 10, or 17, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 6 months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for

not more than 1 year, or a fine of not more than \$5,000, or both such imprisonment and fine; but if such violation is committed after two or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than 2 years, or a fine of not more than \$10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this section for a violation of the provisions of sections 8 or 17 by reason of his receipt, carriage, holding or delivery, in the usual course of business as a carrier of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this act or were not eligible for transportation under this act. Any carrier who with or without knowledge violated section 10 of this act shall be subject to the penalties of this section.

SEC. 12. Before any violation of this act is reported by the Secretary to any United States attorney for institution of a criminal proceeding the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of injunction proceedings violations of this act whenever he believes that the public interest will be adequately served and compliance with the act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 13. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this act.

EXEMPTIONS

SEC. 14. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels and boarding houses for use in their own dining rooms in the preparation of meals for sales direct to consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms.

(2) Retail dealers with respect to poultry products sold directly to consumers in individual retail stores: *Provided*, That the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises in which such sales to consumers are made.

(3) For such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided*, however, That no such exemption shall continue in effect on and after July 1, 1960.

(4) Persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this act.

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this act.

VIOLATIONS BY EXEMPTED PERSONS

SEC. 15. Any person who sells, delivers, transports or offers for sale or transportation in commerce or in a designated major consuming area any poultry products which are exempt under section 15, knowing that such products are unwholesome and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

IMPORTS

SEC. 16. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, and fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this act. All imported slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this act and the Federal Food, Drug, and Cosmetic Act, and acts amendatory of, supplemental to, or in substitution for such acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 17. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this act.

(b) In carrying out the provisions of this act, the Secretary may cooperate with other branches of government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 18. The cost of inspection rendered under the requirements of this act shall be borne by the United States. The Secretary of Agriculture is authorized in his discretion to pay employees of the Department of Agriculture, employed in establishments subject to the provisions of this act, for overtime or holiday work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such premium-pay work is performed reimbursement for any sums paid out by him for such work, such reimbursements to be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 19. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

DEFINITIONS

SEC. 21. For purposes of this act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(g) The term "unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(h) The term "adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their

production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided*, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.

(i) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this act, under an agreement entered into between the Secretary and the appropriate State agency.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture, designated by the Secretary as having the responsibility for carrying out the provisions of this act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this act.

(n) The term "label" means any written, printed, or graphic material on the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, or the poultry product, or accompanying such product.

(o) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term "immediate container" includes any consumer package; or any carton, box, barrel, or other receptacle in which poultry carcasses or poultry products, not consumer packaged, are packed.

EFFECTIVE DATE

SEC. 22. This act shall take effect upon enactment, except that no person shall be subject to the provisions of this act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this act with respect to all poultry or poultry products handled in the establishment for which said application for inspection is made.

SEC. 23. This act shall not be construed as invalidating any provision of State law which

could be valid in the absence of this act unless there is a direct and positive conflict between an express provision of this act and such provision of State law so that the two cannot be reconciled or consistently stand together.

The SPEAKER. Is a second demanded?

Mr. REECE of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER. Under the rule the gentleman from Kentucky [Mr. WATTS] will be recognized for 20 minutes and the gentleman from Tennessee [Mr. REECE] for 20 minutes.

Mr. WATTS. Mr. Speaker, this bill is the same bill I attempted to substitute for the House bill that was passed last Tuesday by a vote of 93 to 23.

As the Members will remember, on last Tuesday the rule was debated for an hour and there were 2 hours of general debate on the measure, during the course of which it was fully explained. The bill was open to amendment at any point. Several amendments were offered, and some were adopted. The bill was finally passed on a division vote by 93 to 23.

At that time I asked unanimous consent to take from the Speaker's table the Senate bill, strike out all after the enacting clause, and substitute the provisions of the bill passed by the House. The gentleman from Tennessee objected to that consent request, as he had a perfect right to do.

The purpose of bringing the bill up today is to see to it that the will of the House is carried out and that we are put in such position that we can go directly to conference with the measure and come back with a bill that is agreed to by the conferees of both the House and the Senate.

This bill I am calling up today was unanimously passed by the Senate. I think it would serve no useful purpose to go into detail again, after the 3 hours of general debate we had so recently.

The measure merely provides for the compulsory inspection of all poultry moving into interstate commerce and into certain designated areas that the Secretary of Agriculture after hearing might have the right to name.

The committee in drafting this bill had three purposes in mind: First, to provide wholesome poultry to the people of this country; second, to do it in a manner that would not interfere with the processors of poultry any more than necessary; and, third, to make the bill broad enough so that almost anybody who wanted to could come under its protection.

We have heard the objection raised that it would mitigate against the little producer. In my opinion the bill will aid the little producer more than the large producer. Another objection raised is that it will increase the price of poultry. This is not so; it will have a tendency to decrease it.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Missouri.

Mrs. SULLIVAN. I would like to say to the House that this is definitely a compromise bill. It does not go as far as I would like in a number of respects. I can show the Members letters I have received from the Food and Drug Administration and from the Public Health Service and from other experts in the field of protecting the public health outlining the steps which we should take if we are going to have the ideal poultry inspection law, and this bill is not ideal or perfect by any means.

But there is no sense in seeking the perfect bill if the result is to end up with no legislation at all. This bill can do a great deal—it can meet the most serious aspects of this problem of diseased or unfit poultry. I feel I can support it in good conscience. And it is a remarkable example of how Members of Congress with the bill to reach an acceptable compromise to a controversial problem can put their good will to the task and come up with an effective solution.

I might say to the Members of the House that we in St. Louis get a good deal of our poultry from Georgia, and only a small part of that is inspected under the voluntary program. As consumers, we want to be sure the poultry we buy is wholesome and suitable, and inspection under a compulsory program is the only answer to that problem. Otherwise, our housewives would certainly turn elsewhere for poultry, and buy products stamped with the official seal of approval. So it is very much to the advantage of the poultry producer and the poultry processor in Georgia, for instance, to see this program enacted into law, if they want our business in St. Louis.

If we were going to demand the ideal, we would insist on a bird-by-bird ante mortem as well as post mortem inspection. Then we could be absolutely sure no sick bird slipped through unnoticed. But I am assured that competent inspectors can examine a whole group of live birds at one time, very quickly, and notice any showing signs of sickness which would warrant a closer inspection of any particular chicken.

Therefore, in a spirit of compromise, and in order to make sure we can get effective legislation, we are willing to go along with the authority this bill provides. Those who oppose this bill on grounds that it is too severe, would be satisfied, it would seem, only if there were no legislation at all, for frankly, this bill could be much more stringent without in any way overdoing its purpose of protecting the consumer.

I just hope the House will realize the necessity for this kind of inspection and pass this bill without further objection or delay.

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks.)

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Of course, this bill passed the House overwhelmingly

last week and all this action will do here today is to enter the matter to go ahead in the proper legislative channels to final conclusion?

Mr. WATTS. The gentleman is exactly right.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from North Dakota.

Mr. BURDICK. The gentleman spoke of this bill not injuring the small producers. I have examined the bill very carefully, and coming from a State where they have State inspection laws, we believe that this bill will aid the small producer instead of injuring him.

Mr. WATTS. I will say to the gentleman that it certainly was the intention of the committee to do that and I think the bill does do that.

Mr. McINTIRE. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Maine.

Mr. McINTIRE. Mr. Speaker, the question to be resolved by us today is whether a mere technicality should be permitted to disturb or destroy what this House has already determined to be an eminently worthwhile objective—the compulsory inspection of poultry products.

There are those who still stand in opposition to the design and intent of H. R. 6814, and let me say that I would be among the first to give eminent recognition to an individual's right to disagree. However, lest we—in the activity of dealing with a technicality—become lax and forget the broad-scaled support that has been evidenced in this legislation, I would like to once again review these areas of support.

On April 8 of this year the Senate passed legislation companion to H. R. 6814, legislation differing only mildly with the House-passed bill. Prior to this favorable action extensive hearings had been conducted, affording an opportunity to make an accurate measure of the merits of this legislation. Such a thorough examination of the bill brought to light the many beneficial aspects associated with the concept of mandatory inspection of poultry products, and undoubtedly contributed to a Senate vote that reflected whole-hearted endorsement.

As legislation of this nature received careful consideration in the Senate, so did it receive thorough examination by the House Committee on Agriculture. Too, on July 9 the House of Representatives became convinced of the wisdom of this legislation and gave it its stamp of approval.

On March 6 of this year the Secretary of Agriculture directed a report to the chairman of the House Committee on Agriculture, such a report reflecting that the Department of Agriculture was in accord with the principal objectives of H. R. 12, H. R. 377, and H. R. 514, bills providing for the compulsory Federal inspection of poultry and poultry products. On July 9 the Assistant Secretary of Agriculture directed a communication to the Honorable JOSEPH W. MARTIN, indicating that the Department of Agricul-

ture was in favor of either the Senate bill, S. 1747, or the House bill, H. R. 6814, and hoped for passage of one or the other of these bills.

The poultry industry has, in large part, supported legislation designed to promote compulsory inspection of poultry products, and while I am a regular reader of the Poultryman, the national newspaper of the poultry industry, I have yet to detect a note of antagonism with regard to poultry inspection as expressed by this newspaper.

Let us remind ourselves that the House passed this legislation only last week. Mr. Speaker, the resolution before us will serve to permit a further processing of that endorsement and to iron out existing minor differences existing between Senate and House passed legislation relating to compulsory inspection of poultry. Good conscience dictates that the House approve this resolution.

(Mr. McINTIRE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Maryland.

Mr. HYDE. Do I understand that the gentleman is now offering as a substitute for the Senate bill the House bill as it passed amended the other day?

Mr. WATTS. The gentleman is exactly right.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. WATTS. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Is there any need for a conference? What will a conference do if this bill is the same as the other bill?

Mr. WATTS. My motion was to call up the Senate bill with an amendment. The amendment is the House bill that was passed last Tuesday. That version is a little different from the bill that was passed by the Senate. So, if the motion prevails we will now have under the heading of the Senate bill the version passed by the House, which includes the amendment offered by the gentleman himself last week.

Mr. HOFFMAN. Then, as I understand it, there is some slight difference between the Senate bill and the House bill?

Mr. WATTS. That is right.

Mr. HOFFMAN. That is the only reason it has to go to conference?

Mr. WATTS. Yes.

Mr. HOFFMAN. This bill confers upon the Department of Agriculture some duties which are now given to the Food and Drug Department or agency for the protection of our food, does it not?

Mr. WATTS. No; I do not think it does. The Pure Food and Drug Act usually gets in on the marketing end of the business. They will still have all of the authority they ever had. The only thing this bill does is to provide for inspection in the plant and leaves to the Pure Food and Drug Department the various avenues which they had before to look at the sale of poultry in the retail places, in hotels and places of that

kind. It does not take away from the Pure Food and Drug Department anything that it is now doing. But it does confer upon the Department of Agriculture the authority to inspect in the plants. After the product leaves the plant it is up to the Pure Food and Drug Department to supervise the movement of it, and to see that it does not spoil on the way to market and that it is not put on the market in a spoiled or a bad condition.

Mr. HOFFMAN. Well, as I understand the Food and Drug Department, does it not have jurisdiction to prevent fraud and to see that we get wholesome food and unadulterated drugs?

Mr. WATTS. Well, certainly that comes within the purview of it.

Mr. HOFFMAN. Sure.

Mr. WATTS. But they have a limited number of inspectors.

Mr. HOFFMAN. And one purpose of this bill is to give the Department of Agriculture jurisdiction to see that we get pure food, unspoiled food.

Mr. WATTS. It gives the Department of Agriculture the right and the duty to furnish inspectors, but it does not destroy the rights of the Pure Food and Drug Administration.

Mr. HOFFMAN. I understand that. But, the bill does direct the Department of Agriculture, does it not, to see that we do not get diseased or unwholesome food, primarily poultry?

Mr. WATTS. That is right, sir.

Mr. HOFFMAN. But it does not provide for any inspection between the time the retail merchant gets the poultry and the time he sells it, does it?

Mr. WATTS. It does not provide for any inspection from the time it leaves the processing plant until it is sold to the consumer.

Mr. HOFFMAN. I thank the gentleman.

Mr. REECE of Tennessee. Mr. Speaker, my purpose in objecting to the unanimous-consent request to consider the Senate bill last week and then substitute the House bill as amended was in the hope of getting the bill back into one of the legislative committees of one or the other of the bodies in order that it might have further consideration.

Now, I take it there is no Member of this body who is against inspection. Certainly I am not. My only interest is getting a system of inspection that will be adequate, that will protect the public health and be in the public interest in every way and in such a manner as to be fair to the industry, to the poultry producers of the Nation, and to the consumers of the Nation.

Now, contrary to the impression that has been conveyed, there is no earthly doubt that this legislation as proposed will increase the price of poultry to the consumers from 2 to 3 cents a pound or depress the price to the growers by the same amount.

Now, I am for a compulsory inspection bill, but I think the Secretary of Agriculture ought to be given some discretion about how to administer and carry out and the circumstances under which the inspection ought to be made. The gentleman from Mississippi [Mr. ABER-

NETHY], introduced a bill. It was a bill strict in its provisions, equally as strict as the one the House had under consideration a few days ago. But, it did not vest certain discretionary authority with the Secretary of Agriculture. It was a bill that would protect the consuming public but at the same time it would not impose an undue hardship, in my opinion, upon the growers of poultry or upon the producers of poultry. That is what we are all after; and when the hearing was held in the previous Congress, the general impression among the industry was that that was the type of a bill that was going to be considered in this Congress. And consequently, since there was no objection to that type of legislation, there was no objection interposed at that time. But this is a very far-reaching bill.

Mr. Speaker, I do not intend to impose upon the House or unduly take the time of the House on this occasion. But I want to reemphasize what I said the other day. We are setting up a new bureau in the Department of Agriculture, one that will ultimately, in my opinion—and mark my words, you younger Members of the House who will be here to see it—grow into a bureaucracy of 10,000 to 15,000 people. That is the whole tendency of bureaus when they are once created and set up in the manner in which this one is being set up.

I am not complaining about the jurisdiction being transferred from the Pure Food and Drug Administration to the Department of Agriculture, but I do think it does give the Department of Agriculture jurisdiction over matters that now fall within the scope of the Pure Food and Drug Administration. I have confidence in both of these agencies, for that matter. But we need to be factual when we consider what should be done. It may be that the Department of Agriculture is a better place for it in view of the type of inspection that this particular bill imposes upon the industry. I am inclined to think it is a better place if we are going to have this particular type of inspection. But this bill is going to do two things. One, it is going to increase the price of poultry to the consumer 2 or 3 cents, or depress the price to the growers by the same amount. And it is not going to protect very greatly the consuming public over the method that is now being used by the Pure Food and Drug Administration and the Department of Agriculture.

These large poultry-producing operations have from 5,000 to 8,000 birds going over the assembly line per hour. How are you going to get a system of bird-by-bird inspection that will be effective? The consuming public is going to be under the impression that they inspect every bird and they will rely upon that inspection. There is no intention on the part of the sponsors of this legislation nor of the Department of Agriculture that there be that type of bird-by-bird inspection made, because it is utterly impossible to have such inspection made under our producing system in this country. So I think it does, in that manner, hold certain inherent dangers to the consuming public.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN. Mr. Speaker, why not take a look at what we are trying to do? No one contends that the public should not be protected, that it should not in some way be assured that it will get wholesome food. The average processor who has any business worth while sees to that himself in order to retain his market. If he does not comply with certain standards, he is just out of business. Admitting, of course, that there are certain individuals who will do almost anything to get a dollar, the consumer does need protection. Well, we have the Food and Drug Administration whose duty it is, as was admitted by the gentleman speaking in behalf of this bill earlier today, the chairman of the subcommittee that handled the bill on the floor, we do have a Food and Drug Administration charged with the duty of protecting us from—shall I put it the way they did the other day—eating spoiled or unwholesome poultry. They have plenty of money and they have an adequate staff of experts. So why confer practically equal authority and impose similar duties upon the Agriculture Department?

We hear a great deal of talk of the need for economy. We heard the Russian the other day and we heard our own President tell us that if we did not economize we would go into a tailspin and the results would be disastrous. But here we are again today, as we are so often, enacting new legislation creating new employees to do something that an executive department is already charged with doing.

Will we get any better result? Beyond question you will add either a host of new employees or the Federal department will take over State inspection and put State and other men on the Federal payroll. In the end—let us look at it as it is—you have not protected the consumer.

Why do I say that? Because it was admitted earlier here in the debate that from the time the poultry leaves the processor there is no control, there is no inspection. The retailer buys it. Maybe he keeps it and preserves it so it is fit for food, and maybe he does not. But no attempt is made to give the consumer protection from the day the poultry comes from the processor—until the housewife buys it.

I am not contending for one moment that we should sacrifice any needed protection for our health and welfare just to save dollars. All I am trying to do is call attention to the fact that if it be necessary for the welfare of the average citizen, those who do not have enough now that we are caught in the high cost of living, if it be necessary to protect health to add inspectors, to spend additional dollars, all right. I am all for it. But when, day after day, we enact new unnecessary legislation calling for the additional expenditure of millions upon millions of dollars, I just cannot go along. Why endanger the future by duplicating

a Federal service? I realize the hopelessness of opposing this bill, but the record will be kept clear for those who are against the unnecessary expenditure of tax dollars.

Mr. REECE of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. REECE of Tennessee. The gentleman from Michigan spoke about one very important point for consideration here, that is, the Food and Drug Administration now exercises certain responsibilities to see that the public gets wholesome food, whether it is chicken or something else. When the inspection of poultry is put under the Department of Agriculture and carriers the stamp that it is inspected by the Department of Agriculture, the whole tendency of the Food and Drug Administration, I fear, is going to be to withdraw completely from that field. It is admitted here that the Department of Agriculture itself is not going to follow on through to where the poultry is protected all the way to the consuming public.

Mr. HOFFMAN. An additional result of the bill will be to help the big processing plants pinch the little ones. The bill will tend to create a monopoly. It is unnecessary because it duplicates the source which the Food and Drug Department is now authorized and equipped to render. It should be defeated.

Mr. REECE of Tennessee. Mr. Speaker, I have no further requests for time.

Mr. WATTS. Mr. Speaker, I yield 3 minutes to the gentleman from Maine [Mr. McINTIRE].

Mr. McINTIRE. Mr. Speaker, I would like to point out one or two things. I have the utmost respect for anyone who disagrees with this legislation or any other piece of legislation that comes to the floor of the House. But, I would like to point out that this legislation does not create any new division in the Department of Agriculture. It will be administered within the Department and at the discretion of the Secretary by such division as he designates. There exists in the Department the Poultry Branch which is already carrying on this type of inspection on a voluntary basis. It has over 500 inspectors in the field in relation to the processing plants which are having that service, using the USDA stamp of inspection on their products. This force would be a part of the force necessary to carry out the responsibilities under this legislation. Now, I know that I would not be fair at all if I were to say that this is not going to cost some additional money. It will cost additional money and the Department estimates it will require about 1,100 inspectors. There are some who disagree with that figure. I can only give you the estimate of those who are in this work at the present time. The Department estimates that it would cost in the neighborhood of from \$7 million to \$10 million when it is fully implemented. Probably, it will cost that much and more. I think this legislation is important legislation. There are about 6 billion birds moving into the market. They are moving essentially as fresh meat. That kind of volume, in my opinion, needs uniform in-

spection at the processing plants for sanitation in the plant and for wholesomeness of the birds. That is what this legislation accomplishes. It does it at public expense just the same as is now being done in the livestock dressing plants under the red-meat inspection legislation. It will, in my opinion, not increase the cost of poultry by 10 percent, which is the figure that has been given here. The cost of inspection will be at public expense. I doubt very much if the demands made on the plants for improving their facilities to meet the inspection requirements would require any type of investment which would reflect a 10-percent increase in the cost of poultry. I do not think there is any question but what some plants would not meet the requirements as of this moment, but they would, of necessity, have to meet the improvement requirement and this legislation, I think, will not require any such capital expenditures as have been set forth, which would result in a uniform increase in the cost of poultry. In my opinion, the speed at which poultry can be inspected is in line with good practices within the industry at the present time.

(Mr. McINTIRE asked and was given permission to revise and extend his remarks.)

Mr. WATTS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, the question before us today is a very simple one involving the usual procedure when a bill is being considered under suspension of the rules. The bill, which is now before us, passed the House last week. When it came to final passage, the gentleman from Kentucky, as is usual when there is an identical or similar bill on the Speaker's desk, asked unanimous consent to take from the Speaker's desk the Senate bill, strike out all after the enacting clause and substitute the language of the House bill passed by the House in the exercise of its will after due consideration of the legislation. The gentleman from Tennessee [Mr. REECE] objected at that point. Of course, the gentleman had a perfect right to take that course of action under the rules of the House, but I must point out that we see such an exercise of that right very rarely, indeed. It is unusual to see that right exercised, as we know, and probably one out of 500 times or one out of a thousand times in similar cases is that right exercised by any Member. It was clear last week that the House overwhelmingly favors this legislation. At the present time, the Committee on Rules is very busy considering the granting of a rule in connection with important legislation. Of course, we could have gone to the Committee on Rules and asked for a rule to take this bill from the Speaker's desk and to consider it, but with the Committee on Rules faced with hearings on important rules in an effort to expedite the business of the House so that we can complete our business as quickly as possible in the event of a prolonged debate in the other body on the civil-rights bill, and further in view of the fact that the overwhelming

will of the House has been expressed in favor of this legislation, it was decided to take this bill up under the rules providing for the consideration of bills under the suspension of the rules, which is the proper method in such a case. We are simply passing upon a question of legislative procedure, letting a bill that passed the House last week go to conference. A bill in this body was passed last week and it would be sent to a Senate committee and the Senate bill on the Speaker's desk sooner or later referred to a House committee, and start all over again in both branches. Everybody knows that is most unusual and that that very seldom happens. Every Member knows that that is not good parliamentary procedure. So that this suspension today is to carry out the will of the House and expedite action, from a legislative angle, and also letting us get rid of legislation on our side so that we can expedite the business on the part of the House in connection with possible 3-day recesses sometime in the not remote future.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. McCORMACK] has expired.

Mr. WATTS. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Mrs. GRIFFITHS].

Mrs. GRIFFITHS. Mr. Speaker, as Representative from Detroit, one of the largest poultry consuming markets in the country, I am very heartily in favor of this bill which will give protection to the consumers.

Mr. WATTS. Mr. Speaker, I have no further requests for time.

Mr. REECE of Tennessee. Mr. Speaker, I stated earlier that I had no further requests for time—

The SPEAKER. The gentleman may yield time if he desires.

Mr. REECE of Tennessee. With reference to the remarks of my very great and good friend from Massachusetts [Mr. McCORMACK], I do want to explain that in my opening remarks I explained why I made the objection the other day. I realized it was unusual. However, I think that under the circumstances, looking at it from my viewpoint, it was a justifiable procedure.

I am not an obstructionist. I have been a Member of this House for 34 years. There are only three Members sitting here today who were Members when I was elected to this body. Neither am I regarded as a crackpot, although I admit that a man who endures the hazards of Washington for more than a quarter of a century might be subject to such allegation with some justification in the minds of many people. I know the gentleman from Massachusetts, [Mr. McCORMACK] did not intend any reflection, but I think such an inference could have been drawn from his remarks.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. REECE of Tennessee. I yield.

Mr. McCORMACK. In order for the record to be clear, I disavow any such intention. I particularly said the gentleman was exercising his right under

the rules of the House, an unusual exercise. The gentleman himself admits it is an unusual exercise, and under no conditions would I impugn the motives of any gentleman in this House, particularly the gentleman from Tennessee.

Mr. REECE of Tennessee. Oh, I am sure the gentleman would not.

In demanding a second on this occasion it was not my purpose to unduly consume the time of the House, recognizing that it did have some very important business to transact today, in the minds of some people, and in the minds of other people not so much. But in any event I do not want to delay the procedure. I did want, more than anything else, to explain the basis of the procedure which I followed the other day.

I yield back the remainder of my time, Mr. Speaker.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMENDING CIVIL DEFENSE ACT OF 1950, AS AMENDED

Mr. DURHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7576) to further amend the Federal Civil Defense Act of 1950, as amended, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Federal Civil Defense Act of 1950 (64 Stat. 1245; 50 U. S. C. App. 2251 and the following), as amended, is hereby further amended as follows:

SEC. 2. Section 2 of the act is amended by striking out said section and substituting the following therefor:

"It is the sense of the Congress that the defense of the United States, in this thermodynamic age, can best be accomplished by enacting into law the measures set forth in this act. It is the policy and intent of Congress to provide a system of civil defense for the protection of life and property in the United States from attack. It is further declared to be the policy and intent of the Congress that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions. The Federal Government shall provide necessary direction, coordination, and guidance; shall be responsible for the operation of the Federal Civil Defense Administration as set forth in this act; and shall provide necessary assistance as herein authorized."

SEC. 3. Section 201 of the said act is amended as follows:

(a) Subsection (e) of the said section, as amended, is further amended as follows:

(1) Strike the word "Provided" where it first appears and insert in lieu thereof the words "Provided further."

(2) By inserting the following proviso after the words "and training aids as deemed necessary": "Provided, That the terms prescribed by the Administrator for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses."

(3) Section 2 of the act of August 2, 1956 (70 Stat. 949), is repealed.

(b) Subsection (h) of the said section is amended by substituting a colon for the pe-

riod at the end thereof and adding the following proviso: "Provided further, That the Administrator is authorized to procure and maintain under this subsection radiological instruments and detection devices, protective masks, and gas detection kits, and distribute the same by loan or grant to the States for civil defense purposes, under such terms and conditions as the Administrator shall prescribe."

(c) Subsection (i) of the said section is amended as follows:

(1) The first proviso of said subsection is amended by striking out the proviso and substituting the following therefor: "Provided, That no contributions shall be made for the procurement of land."

(2) The said subsection is further amended by striking out the eighth proviso and all the remainder of the said subsection except the words: "Provided, That the Administrator shall report not less often than quarterly to the Congress all contributions made pursuant to this subsection."

(3) The said subsection is further amended by striking out the period at the end thereof and inserting a colon and the following: "Provided further, That all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Administrator under the provisions of this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U. S. C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any workday or 40 hours in the workweek, as the case may be. The Administrator shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this proviso, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F. R. 3176, 64 Stat. 1267, 5 U. S. C. 133z-15), and section 2 of the act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U. S. C. 276 (c))."

SEC. 4. Title II of said act is amended by adding the following new section thereto:

"SEC. 205. To further assist in carrying out the purposes of this act, the Administrator is authorized to make financial contributions to the States (including interstate civil defense authorities established pursuant to section 201 (g) of this act) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Administrator) for the civil defense of the States: *Provided*, That the financial contributions to the State for the purposes of this section shall not exceed one-half of the total cost of such necessary and essential State and local civil defense personnel and administrative expenses."

"(a) Plans submitted under this section shall

"(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them, and be administered or supervised by a single State agency;

"(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

"(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Administrator;

"(4) provide for the employment of a full-time civil defense director by the State, and for such other methods of administration, including methods relating to the establishment and maintenance of personnel standards on the merit basis (except that the Administrator shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as the Administrator shall find to be necessary and proper for the operation of the plan;

"(5) provide that the State shall make such reports in such form and content as the Administrator may require;

"(6) make available to duly authorized representatives of the Administrator and the Comptroller General books, records, and papers necessary to conduct audits for the purposes of this section."

"(b) The Administrator shall establish such other terms and conditions as he may deem necessary and proper."

"(c) In carrying out the provisions of this section the provisions of sections 201 (g) and 401 (h) of this Act shall apply."

"(d) For each fiscal year concerned, the Administrator shall allocate to each State, in accordance with his regulations and the total sum appropriated hereunder, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States shall give due regard to (1) the criticality of the target and support areas with respect to the development of the total civil defense readiness of the Nation, (2) the relative state of development of civil defense readiness of the State, (3) population, and (4) such other factors as the Administrator shall prescribe: *Provided*, That the Administrator may reallocate the excess of any allocation not utilized by a State in an approvable plan submitted hereunder: *Provided further*, That amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth herein;

"(e) In the event a State fails to submit an approvable plan as required by this section within 60 days after the Administrator notifies the States of the allocations hereunder, the Administrator may reallocate such funds, or portions thereof, among the other States in such amounts as, in his judgment will best assure the adequate development of the civil defense capability of the Nation."

"(f) The Administrator shall report annually to the Congress all contributions made pursuant to this section."

"(g) As used in this Act, the term 'State' shall include interstate civil defense authorities established under section 201 (g)."

SEC. 5. Section 401 of the act is amended by adding the following new subsection thereto:

"(h) when, after reasonable notice and opportunity for hearing to the State, or other person, he finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this act for approved civil defense plans, programs, or projects, notify such State or person that further payments will not be made to the State or person from appropriations under this act (or from funds otherwise available for the purposes of this act for any approved plan, program, or project with respect to which there is such failure to comply) until the Administrator is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall either withhold the payment of any financial contribution to such State or person, or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder: *Provided*, That "person" as used in

this subsection, means the political subdivision of any State or combination or group thereof; or any interstate civil defense authority established pursuant to subsection 201 (g); or any person, corporation, association or other entity of any nature whatsoever, including but not limited to, instrumentalities of States and political subdivisions."

The SPEAKER. Is a second demanded?

Mr. COLE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina is recognized for 20 minutes and the gentleman from New York will be recognized for 20 minutes.

Mr. DURHAM. Mr. Speaker, I yield myself 10 minutes.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. DURHAM. Mr. Speaker, it is rather historic that today we are considering an amendment to the 1950 Civil Defense Act for, as you know, Operation Alert is underway.

Mr. Speaker, the purpose of H. R. 7576 is to amend the Federal Civil Defense Act of 1950, to permit the orderly expansion of the civil-defense activity of the Federal Government in order to achieve a more effective total national defense program.

All national programs—foreign and domestic—as well as military and non-military defense efforts, are substantial parts of a total effort toward survival of the Nation in the event of nuclear war.

The civil defense of this country is aimed at developing within all echelons of Government, Federal, State, and local, a capacity for leadership by Government—a capacity for swift action by Government to meet the needs created by any emergency.

We must remember, then, that we cannot assume that civil defense is an exclusive road to survival. Rather, we must identify the contribution that logical preparedness in civil defense can make to the total defense effort.

H. R. 7576 is a committee bill. It was drafted in a subcommittee, following full hearings on two civil-defense legislative proposals. We combined the Civil Defense Administration's proposals and rewrote some of the language, which results in the bill before you today.

Now, probably the most controversial provision of the Civil Defense Act as currently written is the proposition that the civil defense of the Nation is primarily the responsibility of the States and their political subdivisions.

Many groups, committees and organizations, including the Commission on Intergovernmental Relations and the 1956 governors' conference, have thoroughly studied and explored the question of the appropriate division of responsibility for the Nation's civil defense. Some of the recommendations resulting from these studies urged that civil defense be made primarily a Federal responsibility.

The Federal Civil Defense Administration and the President believe that the Federal Government and the States and

local subdivisions should have joint responsibility for civil defense.

The first part of this bill, therefore, amends the Federal Civil Defense Act by declaring that it is the policy and intent of the Congress that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions. The Federal Government shall provide necessary direction, coordination, and maintenance, and shall be responsible for the operation of the Federal Civil Defense Administration.

Civil defense depends for its success in operation upon widespread citizen participation, and the committee believes that we must continue to avoid Federal preemption of all civil-defense programs. We believe that the balance has been struck by creating civil defense as a joint responsibility of the Federal Government and the States.

The balance of the bill provides those specific amendments to the Federal Civil Defense Act which would implement the concept of increased Federal responsibility. You will note that these amendments to the basic law involve primary authority for the Federal Government to furnish substantial assistance to the States and cities in order that they may be enabled to develop that degree of civil defense operational capability which the conditions of modern war require. Some of these modifications are designed to improve the ability of the Federal Government to provide a degree of assistance in areas where it has previously been found to be lacking, which would permit the development of more effective civil-defense organizations at the State and local levels.

The bill also provides authority for the purchase of radiological monitoring instruments and for their loan or grant to the States.

The Federal Civil Defense Administration, because of the grave danger imposed by the new dimensions of radioactive fallout, has been engaged in an effort to determine the most practical manner of providing for a nationwide system of predicting, monitoring, and reporting radioactive fallout. We must have some capability to detect the presence and to measure the intensity of radiation of fallout in all localities. The need for radiological defense is not restricted to target areas, but is required on a total nationwide basis. The best method which has been devised is to purchase detecting instruments for distribution throughout the United States so that civil-defense workers can be trained in their operation, maintenance, and repair. It would do little good to purchase substantial numbers of monitoring instruments only to store them in warehouses where they would be inaccessible in time of emergency and people would be unlearned in their use.

Under the provisions of the bill, these instruments will be purchased and distributed to the States under such terms and conditions as the Administrator prescribes. It is the conviction of the committee that this authorization in law is required to permit the effective implementation of a nationwide program of

defense against the hazards of radioactive fallout.

One of the main provisions of the bill is to amend the Federal Civil Defense Act so as to authorize financial contributions to the States for necessary and essential State and local civil-defense personnel and administrative expenses. The basic law prevents any Federal contributions for this purpose.

Under the concept of responsibility for civil defense established in the Federal Civil Defense Act, no contributions to the States for personnel and administrative expenses were allowed, because it was felt that these expenses should be borne by the States and their local political subdivisions. However, it has now become apparent that the task of developing an adequate civil defense capability at local levels requires a staff of experienced, trained, full-time specialists, at least in the top echelons of each civil-defense organization. With all but a few exceptions, the States and their political subdivisions have felt it impossible to support and maintain, by themselves, such a civil-defense staff.

If we are to adopt the new concept of joint responsibility for civil defense, the only realistic solution to this problem is to eliminate the current restriction on furnishing such Federal assistance and to permit the Federal Government to contribute for State and local civil defense administrative and personnel expenses on a not to exceed 50 percent basis.

The committee believes that through such Federal financial assistance the development of greater civil-defense operational capability at State and local levels will be permitted without resorting to extensive federalization of the civil-defense activity.

Another important provision of the bill is to authorize the Federal Civil Defense Administrator to defray the expenses of students from States and cities attending Federal Civil Defense Administration schools. At the present time the Administrator has such authority, but he is limited to an expenditure of \$100,000 per annum on amounts authorized to be appropriated for this purpose. Experience shows that this limitation is unrealistic and that the Federal Civil Defense Administration cannot begin to train the necessary number of local civil-defense workers unless the limitation is removed. The bill, therefore, removes the limitation, but, again in keeping with the joint responsibility concept, provides that travel expenses and per diem allowances for FCDA students may be authorized on a 50-50 matching basis.

The committee believes that the continued expansion of the Federal program under which students are trained to return to the States and cities as instructors is essential to the development of civil-defense capabilities at the State and local level.

The Civil Defense's legislative proposals considered by the committee would have amended the Federal Civil Defense Act by allowing up to 100 percent contributions for the so-called capital expenditures. Under the law today

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 5, 1957
For actions of August 2, 1957
85th-1st, No. 138

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HIGHLIGHTS: (See Page 6).

SENATE

1. SMALL BUSINESS. Passed with amendment S. 2504, to extend the Small Business Administration for one year from July 31, 1957. pp. 12202-11
2. POULTRY INSPECTION. Senate conferees were appointed on S. 1747, to provide for the compulsory inspection of poultry and poultry products. House conferees have not been appointed. pp. 12237-40
3. TOBACCO. Sen. Cooper commended the Agriculture and Forestry Committee for postponing indefinitely consideration of S. 2569, to remove tobacco from the list of basic crops and deprive it of price support. p. 12243
4. ELECTRIFICATION. Sen. Neuberger inserted an item from Rep. Green's (Ore.) newsletter praising Sen. Morse for his leadership in the Hells Canyon fight. p. 12242
Sen. Kefauver inserted a table from the Chase Manhattan Bank showing an increase in the sources of energy supply in the U.S. in 1966, and showing no growth in hydro-electrification. p. 12243
5. FORESTS. Sens. Dworshak and Neuberger debated whether the Clearwater National Forest should be named the Bernard DeVoto National Forest. pp. 12191-2

6. EXPENDITURES; PERSONNEL. The Joint Committee on Reduction of Nonessential Federal Expenditures submitted its report on Federal employment and pay for June 1957. pp. 12186-90
7. PERSONNEL. Both Houses received from the Interior Department a proposed bill to authorize the training of Interior employees at public or private facilities; to Interior and Insular Affairs Committees. pp. 12186, 12292
8. FISCAL POLICY. Sen. Morse inserted an article, "George M. Humphrey Had a Great Fall," on the current economic situation and U.S. monetary policy. pp. 12245-7
9. LEGISLATIVE PROGRAM. Sen. Johnson stated that the calendar would be called Mon., Aug. 5, preceded by consideration of the conference report on S. 1314, to extend Public Law 480. (pp. 12184-5, 12234). He further stated the conference report on S. 469, the Klamath Indian bill, might also be considered at that time (p. 12240).
10. RECESSED until Mon., Aug. 5. p. 12248

HOUSE

11. WHEAT. Passed with amendments H.R. 8456, to amend the Agricultural Adjustment Act of 1938 so as to exempt certain wheat producers from liability under the Act where all the wheat crop is fed or used for seed or food on the farm where produced. (pp. 12267-82).
Agreed to the following amendments:
By Rep. Grant, to strike out all of Sec. 3 of the bill, which would have provided that where a State for 3 successive years plants an acreage to wheat in excess of 35,000 acres it shall be classified as a commercial wheat State and shall remain so unless planting drops to less than 25,000 acres for 3 successive years and the Secretary determines that it would permit more efficient administration of the wheat program to remove the State from the commercial category. pp. 12280-81
By Rep. Henderson, to exempt certain county institutions, as well as State institutions, from the restriction of raising not more than 30 acres of wheat to avoid penalties. p. 12281
Substituted the language of H.R. 8456 as passed for that of a similar bill, S. 959, which was then passed. H.R. 8456 was tabled. p. 12282
12. FARM PROGRAM. Rep. Hill defended the farm program against recent attacks, and cited statistics to indicate recent improvements in the farm situation. pp. 12286-87
13. THE AGRICULTURE COMMITTEE ordered reported the following bills: p. D727
H.R. 580, with amendment, to authorize the exchange of certain land under the jurisdiction of the Forest Service with Mo.;
H.R. 8490, with amendment, to amend the Agricultural Adjustment Act of 1938 with respect to the establishment of rice acreage allotments;
H.R. 8508, with amendment, to provide two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties in Minn. and Iowa;
H.R. 5497, with amendment, to subject recreational and fish and wildlife development projects to certain conditions in order to receive Federal assistance under the Watershed Protection and Flood Prevention Act;

I ask unanimous consent that a resolution concerning the Joseph P. Chamberlain award, as well as a press release about Mr. Thomas' selection, be printed at this point in the RECORD.

There being no objection, the resolution and release were ordered to be printed in the RECORD, as follows:

THE JOSEPH P. CHAMBERLAIN AWARD

Whereas when the New York State Committee on Refugees was reconstituted by Gov. Averell Harriman on April 21, 1955, its purpose was to "guide and aid the resettlement of refugees and others admitted into the United States * * * who wish to establish themselves in the State of New York so that such newcomers may be most effectively absorbed in the economic and social life of our community." In order to express its appreciation for the noble and humanitarian efforts performed by persons or organizations who have voluntarily, under adverse conditions, made outstanding contributions in assisting this committee in the above endeavor, particularly during the Hungarian refugee emergency; and

Whereas Joseph P. Chamberlain, former professor emeritus of public law at Columbia University, was one of the outstanding leaders in the immigration and refugee fields and was a person who devoted much of his time and energy to the work of official and voluntary agencies concerned with the problem of the immigrant, particularly the refugee and displaced person. He continually worked toward reconciling seemingly divergent views of various groups and organizations interested in the same humanitarian goal. Over the years Professor Chamberlain was an active member and often the principal officer of the American Council of Voluntary Agencies for the Foreign Service; American Branch of the International Social Service; United Service for New Americans and the Advisory Committee on Voluntary Foreign Aid, Department of State. Other organizations in the immigration and nationality field in which he played an important part included the governing body of the High Commission for Refugees coming from Germany; President's Advisory Committee on Political Refugees; League of Nations Committee of Experts on Assistance of Indigent Foreigners; Ellis Island Committee, appointed by the Secretary to recommend legislation. His experience, wise counsel and active aid had been associated for many years with most efforts to improve immigration legislation and to advance humanitarian goals in the immigration and nationality field. He fully deserved the feelings expressed in a New York Times editorial at his death, which in part reads "No one who experienced even in the most casual manner the gentle friendship of this kindly man could fail to be impressed by the depth of his sincerity, the breadth of his vision, the warm firmness of his purpose. He will be greatly missed and deeply mourned by the great company of those who have benefited from his labor and his wisdom". Now, therefore, be it

Resolved, That an award shall be established by the New York State Committee on Refugees to be entitled "The Annual Joseph P. Chamberlain Award" and that this award will be presented each year to those individuals or organizations which have contributed outstanding service to refugee resettlement activities during the year prior to the award; and be it further

Resolved, That a copy of this resolution be immediately dispatched to Governor Harriman's office for the purpose of having him proclaim a Joseph P. Chamberlain Day upon which date the award would be presented.

JOHN THOMAS—ICEM'S "MR. AMERICA"

A key figure in the remarkable accomplishment of moving westward out of Austria

more than 100,000 Hungarian escapees within the short space of 10 weeks is John Thomas of Minneapolis, Minn., Deputy Chief of Operations for the 27-nation Intergovernmental Committee for European Migration (ICEM).

Mr. Thomas has been helping to solve the problem of Europe's homeless since he served as a United States Army officer in Germany during World War II.

Dispatched to Vienna during the first days of November when Hungarian escapees began streaming across the border, Thomas helped set up resettlement machinery overnight—registration of the refugees, presenting Hungarians to consular officials of receiving countries, completing arrangements for their movement out of Austria by train and plane to the 23 nations which offered asylum to the revolt victims.

Thomas virtually shepherded many of the Hungarian refugees through the complex business of qualifying for admission to the United States, from the initial registration right up to departure by plane from Vienna's Schwechat Airport.

For thousands of the refugees and for many of the newsmen at Vienna he quickly became identified as Mr. America, ready to step into any crisis to smooth the road to speedy settlement.

His long experience in the field helped him to cut through miles of redtape, get the refugee flow started to the United States and keep it going. When an ugly anti-Semitic incident occurred in one camp, Thomas rushed to the scene and delivered an effective "Americanism" speech that healed the breach before it could infect the whole camp. Refugees, officials, and newsmen looked to him for an honest briefing on the problems that threatened to slow movements.

Prior to the crash assignment in Vienna, Thomas served as chief of the United States program of ICEM at world headquarters in Geneva.

In this work, he organized a program which has resulted in the movement of more than 140,000 refugees to this country during the past 5 years.

Mr. Thomas joined ICEM headquarters staff at its inception in February 1952 upon completion of his assignment as chief of resettlement in the United States Zone of Germany for the International Refugee Organization.

Married and the father of two children, the Thomases make their home in Geneva. John Thomas is a graduate of the University of Minnesota and prior to World War II was active in relief and welfare activities in his home State of Minnesota.

IMPORTANCE OF CANADIAN OIL IMPORTS

Mr. HUMPHREY. Mr. President—
Mr. JOHNSON of Texas. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, some time ago, following the President's announcement of a program of voluntary restrictions on the importation of crude oil, I made a statement which reflected my views in regard to that action. In the statement I called for a watchful eye, to see that the prices of gasoline and oil are not driven upward, and to see that small-business refineries using Canadian crude oil are not blocked from their normal expansion to at least a minimum operating level.

In our part of the country, in the upper Midwest, several oil refineries have been developed, and they are completely dependent upon the importations of Canadian crude oil. We have a very fine relationship with our Canadian neigh-

bor to the north, and it would be unfortunate if that relationship were in any way marred by the imposition of any kind of quota or import restriction on oil imported into the United States from Canada.

I ask unanimous consent that a statement which I released at the time of the President's announcement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HUMPHREY CALLS FOR WATCHFUL EYE ON EFFECT OF CANADIAN OIL IMPORT RESTRICTIONS

Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, today commented that the President's announcement of a program of voluntary restrictions on the importation of crude oil "calls for a watchful eye to see that prices of gasoline and oil are not driven upward, and to see that small-business refineries using Canadian crude oil are not blocked from a normal expansion to a minimum economic operating level."

"It appears that our midwestern refiners dependent on Canadian crude have been given quotas based on their estimates of a year ago," Senator HUMPHREY commented on the President's Memorandum on Crude Oil Imports. "However, these small refiners have a right to expand their operating capacity up to the 30,000-35,000 barrels per day level, which they feel to be the level at which they can survive competitively in the refining industry."

"The President's Special Cabinet Committee should study this small business problem, to make sure that a Government policy designed to protect American oil producers does not seriously harm the small business segment of the oil refining industry, as well as consumers in the upper Midwest who are dependent on Canadian crude oil to offset the cost imposed by long-distance transportation of petroleum products from the Southwest," Senator HUMPHREY said.

COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

The PRESIDING OFFICER (Mr. HOLLAND in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, which was, to strike out all after the enacting clause and insert:

That this act may be cited as the "Poultry Products Inspection Act."

LEGISLATIVE FINDING

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome poultry products in the channels of interstate or foreign commerce are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign com-

merce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of large centers of population directly affects the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, the Secretary of Agriculture is authorized, pursuant to the provisions of this act, to designate major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome or otherwise unfit for human food.

DESIGNATION

SEC. 4. Upon application by the appropriate governing official or body of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this act for such area to be subject to the provisions of this act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this act, he shall by order designate such area and prescribe the provisions of this act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until 6 months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this act.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION AND QUARANTINE

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the product shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the product shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of section 6 of this act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required and approved by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated city or area, of poultry products which are unwholesome or adulterated.

LABELING

SEC. 7. (a) Each shipping container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any poultry product inspected under the authority of this act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed.

(b) The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this act or the container thereof which is false or misleading is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason

to believe that any label in use or prepared for use is false or misleading, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within 30 days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. The following acts or the causing thereof are hereby prohibited:

(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this act.

(b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this act.

(c) Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification or device for making such mark or identification, used in connection with the inspection of poultry, or poultry products under this act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this act when such poultry or poultry product has in fact not been so inspected.

(d) Using in commerce, or in a designated city or area, a false or misleading label on any poultry product.

(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated city or area, upon presentation of appropriate credentials.

(g) The refusal to permit access to and the copying of any record as authorized by section 10 of this act.

(h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceed-

ing under this act, any information acquired under the authority of this act, concerning any matter which as a trade secret is entitled to protection.

(1) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this act), in commerce or from an official establishment or in a designated major consuming area, except that such poultry may be permitted to be transported between official establishments and to foreign countries pursuant to rules and regulations prescribed by the Secretary.

SEC. 9. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated city or area shall process any poultry or poultry product except in compliance with the requirements of this act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 10. For the purpose of enforcing the provisions of this act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all records. Nothing in this section shall be construed as requiring the maintenance of a record for a period longer than 2 years after the transaction, which is the subject of such record, has taken place.

PENALTIES

SEC. 11. (a) Any person who violates the provisions of section 8, 9, 10, or 17, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 6 months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than 1 year, or a fine of not more than \$5,000, or both such imprisonment and fine; but if such violation is committed after 2 or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than 2 years, or a fine of not more than \$10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this section for a violation of the provisions of section 8 or 17 by reason of his receipt, carriage, holding or delivery, in the usual course of business as a carrier of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this act or were not eligible for transportation under this act. Any carrier who with or without knowledge violated section 10 of this act shall be subject to the penalties of this section.

SEC. 12. Before any violation of this act is reported by the Secretary to any United States attorney for institution of a criminal proceeding the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this act shall be construed as requiring the Secretary to report for criminal prosecution or for the institution of injunction proceedings violations of this act whenever he believes that the public interest will be adequately served and compliance with the act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 13. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this act.

EXEMPTIONS

SEC. 14. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels and boarding houses for use in their own dining rooms in the preparation of meals for sales direct to consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms.

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores: *Provided*, That the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises in which such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however*, That no such exemption shall continue in effect on and after July 1, 1960.

(4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this act.

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this act.

VIOLATIONS BY EXEMPTED PERSONS

SEC. 15. Any person who sells, delivers, transports, or offers for sale or transportation in commerce or in a designated major consuming area any poultry products which are exempt under section 15, knowing that such products are unwholesome and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

IMPORTS

SEC. 16. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, and fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules

and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this act. All imported slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this act and the Federal Food, Drug, and Cosmetic Act, and acts amendatory of, supplemental to, or in substitution for such acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 17. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this act.

(b) In carrying out the provisions of this act, the Secretary may cooperate with other branches of Government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 18. The cost of inspection rendered under the requirements of this act shall be borne by the United States. The Secretary of Agriculture is authorized in his discretion to pay employees of the Department of Agriculture, employed in establishments subject to the provisions of this act, for overtime or holiday work performed at such establishments at such rates as he may determine and to accept from such establishments wherein such premium pay work is performed reimbursement for any sums paid out by him for such work such reimbursement to be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 19. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

DEFINITIONS

SEC. 21. For purposes of this act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside

thereof; or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(g) The term "unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(h) The term "adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: Provided, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(i) The term "Inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this act, under an agreement entered into between the Secretary and the appropriate State agency.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the

Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture, designated by the Secretary as having the responsibility for carrying out the provisions of this act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this act.

(n) The term "label" means any written, printed, or graphic material on the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, or the poultry product, or accompanying such product.

(o) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term "immediate container" includes any consumer package; or any carton, box, barrel, or other receptacle in which poultry carcasses or poultry products, not consumer packaged, are packed.

EFFECTIVE DATE

SEC. 22. This act shall take effect upon enactment, except that no person shall be subject to the provisions of this act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this act with respect to all poultry or poultry products handled in the establishment for which said application for inspection is made.

SEC. 23. This act shall not be construed as invalidating any provision of State law which could be valid in the absence of this act unless there is a direct and positive conflict between an express provision of this act and such provision of State law so that the two cannot be reconciled or consistently stand together.

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, request a conference thereon with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HUMPHREY, Mr. TALMADGE, Mr. AIKEN, and Mr. WILLIAMS conferees on the part of the Senate.

Mr. ELLENDER. Mr. President, I ask unanimous consent that House bill 6814, to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPERVISION OF THE KLAMATH INDIANS

Mr. NEUBERGER. Mr. President—

Mr. JOHNSON of Texas. I yield to the Senator from Oregon.

Mr. NEUBERGER. Mr. President, as chairman of the Indian Affairs Subcommittee of the Committee on Interior and Insular Affairs, I should like to ask the distinguished majority leader about the conference report on Senate bill 469, an Indian bill, in connection with which, time is of the essence.

I understand that the House has already acted on the conference report. I wonder whether it will be possible for the Senate to act on the conference report some time during the session on the coming Monday?

Mr. JOHNSON of Texas. Mr. President, I had not previously had this matter brought to my attention. I see that it is listed on the calendar. If the Senator from Oregon will permit me to study it over the weekend, I shall try to have action taken on it on Monday, if possible.

Mr. NEUBERGER. I appreciate very much the consideration given by my friend, the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I always appreciate the characteristic courtesy of the Senator from Oregon.

MISSIONARY OF DEMOCRACY

Mr. JOHNSON of Texas. Mr. President, if there is no objection, I ask unanimous consent that the Senator from Montana [Mr. MANSFIELD] be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Montana is recognized.

Mr. HUMPHREY. Mr. President—
Mr. MANSFIELD. Mr. President, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, all of us have a tremendous stake in the type of Americans representing us abroad, in any capacity. That is particularly true in the case of those working directly with people of other lands, in connection with our technical-assistance programs. The success or failure of those programs often depends upon, and is determined by, the attitudes and thinking of the persons we send abroad to carry on our foreign-aid programs. Recently, a letter from one of our career workers who is serving us abroad in the field of agriculture, came to my attention; and it impressed me so deeply that I wish to call it to the attention of my colleagues. The letter was not sent to me. I do not know the writer personally, and he has no knowledge that I have even been shown his letter by another friend. However, the letter gives such a graphic description of the experiences of a technical-assistance worker abroad—and reflects such a dedication and understanding of the importance of the work he is doing—that I am sure others will enjoy reading it.

The letter is from William Green, now working among the hill people of Taiwan. He is in charge of agricultural extension in Taiwan. I have learned that he has served as an agricultural representative of this country in many areas of the world. He is an Oklahoman, a graduate of the former Oklahoma A. and M. College, and has served our country usefully in Guam, the Virgin Islands, the China mainland, Burma, Peru, Bo-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 8, 1957
For actions of August 7, 1957
85th-1st, No. 141

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HIGHLIGHTS: Senate committee reported nomination of Don Paarlberg to be Asst. Secretary and CCC Board member. Sen. Carlson urged greater understanding for farm income problems. House rejected resolution to consider self-help meat promotion bill. House Rules Committee cleared classified employee pay raise bill. Sen. Humphrey introduced and discussed bill to establish sanitation standards for fluid milk in interstate commerce. Rep. Cooley proposed and discussed measure urging Secretary to lift restraints on barter transactions.

HOUSE

- MEAT PROMOTION. Rejected, 175 to 216, a resolution to provide for consideration of H.R. 7244, to amend the Packers and Stockyards Act so as to permit deductions for a self-help meat promotion program. pp. 12676-86
2. APPROPRIATIONS. Passed, 330 to 75, H.R. 9131, making supplemental appropriations for 1958 to various agencies, including the Departments of Defense, Commerce, and State, and the TVA. pp. 12655-75
- Rep. Cannon made the following statement as to the intent of the Appropriations Committee in regard to Sec. 1201 of the bill, which revises Sec. 3679 of the Revised Statutes relating to making apportionments of appropriations:
- "The substance of the proposed revision is to make applicable to the head of the agency requesting or recommending an apportionment those provisions of the law precluding apportionment or reapportionment on a basis indicating necessity for a deficiency or supplemental appropriation unless within exceptions expressly set out in the law. Presently, only the officer approving the apportionment--the Director of the Budget--is subject to such prohibition. But he is not directly in charge of administration of the funds; he does not personally justify the budget program before the committees; he is not directly accountable to the committees for stewardship of funds allocated to his administration. These responsibilities devolve upon the agency head.

"Experience indicates need for this amendment so as to place directly on the agency administering the funds the force of the prohibition against operating on a deficiency apportionment basis, in addition to having responsibility on the Director of the Budget. We feel that responsibility should lie on both heads." pp. 12674-75

3. POULTRY. Conferees were appointed on S. 1747, to provide for the compulsory inspection by this Department of poultry and poultry products. (p. 12687) Senate conferees were appointed Aug. 2.
4. TRANSPORTATION. House and Senate conferees were appointed on S. 939, to amend the Interstate Commerce Act to provide that reduced rate agreements for the movement of government freight or passengers shall apply only in time of war or national emergency, and to finalize contracts made between the government and common carriers. pp. 12687, 12590-91
The Rules Committee reported a resolution for consideration of S. 1383, to amend the Interstate Commerce Act so as to require freight forwarders to obtain certificates of public convenience and necessity. p. 12695
5. PERSONNEL; FIBERS. The Rules Committee reported resolutions for consideration of H.R. 2462, to increase the basic rates of compensation for Federal classified employees, and H.R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. p. 12695
6. HOUSING. The Ways and Means Committee ordered reported H.R. 9057, to amend the Internal Revenue Code of 1954 to provide for amortization deductions with respect to housing facilities for farm workers. p. D749
7. BUDGETING. Rep. Laird inserted testimony and a letter by Budget Bureau Director Brundage directing Federal agencies to keep the rates of commitments, obligations, and expenditures for fiscal year 1958 at or below the level for the fiscal year 1957, to the extent feasible. p. 12689
8. WEATHER. Both Houses received from Commerce the interim report on the causes and characteristics of thunderstorms and other atmospheric disturbances. pp. 12560, 12695
9. LEGISLATIVE PROGRAM. Rep. McCormack announced that the classified employee pay bill will probably be taken up on Fri., Aug. 9. p. 12676

SENATE

10. NOMINATIONS. The Agriculture and Forestry Committee reported the nomination of Don Paarlberg to be an Assistant Secretary of Agriculture and a member of the CCC Board. p. 12561
11. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 1031, to authorize construction of certain units of the Greater Wenatchee division, Chief Joseph project, Wash. (S. Rept. 835). p. 12561
12. WATER RESOURCES. The Interior and Insular Affairs Committee reported without amendment S. 2431, granting Congressional consent to the Oregon-California compact on the Klamath River Basin (S. Rept. 834). p. 12561

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Army is authorized to convey to the port of Walla Walla, Wash., subject to the provisions in section 2 of this act, all of the right, title, and interest of the United States in and to three parcels of real property comprising a part of the McNary lock and dam project on the Columbia River, Oreg. and Wash., containing in the aggregate approximately 441.62 acres of land which is currently being utilized by the port of Walla Walla, Wash., under lease from the Secretary of the Army.

Sec. 2. The conveyance herein authorized shall be made at the fair market value of the property as determined by the Secretary of the Army, and upon such terms, conditions, reservations, and restrictions as he shall deem necessary in the public interest and to assure that the use of the land will not interfere with the operation of the McNary lock and dam project.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 8171) was laid on the table.

AMENDING ACT OF JUNE 20, 1910

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8079) to amend the act of June 20, 1910, to give the State of New Mexico greater flexibility in the investment of moneys derived from lands held in trust by virtue of such act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the third sentence in the seventh paragraph of section 10 of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States", approved June 20, 1910 (36 Stat. 557), as amended, is amended to read as follows: "All such moneys shall be invested by the State in interest-bearing or other securities including common stocks, preferred stocks, and bonds of businesses incorporated within the United States, under the supervision of the Governor, and such other persons as the State legislature may provide. All persons investing such moneys shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of their duties."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following language:

That section 10 of the act of June 20, 1910 (36 Stat. 557, 563-564), relating to the establishment, deposit, and investment of funds derived from land grants to the State of New Mexico, is amended by deleting therefrom the seventh paragraph.

"Sec. 2. Section 28 of the act of June 20, 1910 (36 Stat. 557, 574-575), relating to the establishment, deposit, and investment of funds derived from land grants to the State of Arizona, is amended by deleting therefrom the seventh paragraph."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the act of June 20, 1910, by deleting therefrom certain provisions relating to the establishment, deposit, and investment of funds derived from land grants to the States of New Mexico and Arizona."

A motion to reconsider was laid on the table.

AMENDING SECTION 22, INTER-STATE COMMERCE ACT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, with an amendment of the House thereto, insist on the amendment of the House and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. HARRIS, ROBERTS of Texas, FRIEDEL, WOLVERTON, O'HARA of Minnesota, and HALE.

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, with an amendment of the House thereto, insist on the amendment of the House, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. COOLEY, GRANT, WATTS, THOMPSON of Texas, AUGUST H. ANDRESEN, HILL, and MCINTIRE.

PERSONAL ANNOUNCEMENT

Mr. NEAL. Mr. Speaker, I was detained off the floor during the vote on the bill, H. R. 9131, the appropriation bill. Had I been present, I would have voted "yes." Mr. Speaker, I make this announcement so the Record may show at this point how I would have voted on the appropriation bill.

DISCRIMINATORY EMPLOYMENT PRACTICES

(Mr. ROOSEVELT asked and was given permission to extend his remarks at this point and to include two reports.)

Mr. ROOSEVELT. Mr. Speaker, a recent report of the Antidefamation League of B'nai B'rith has brought to light a shocking chronicle of discriminatory employment practices in the city of Los Angeles. I believe that it is of the utmost importance that my colleagues

be aware of the collusive, hidden manner in which groups of people can be barred from jobs because of their race or religion. To that end I call the attention of each Member to the transcript of a television newscast by Mr. Bill Stout, of Los Angeles, which presents a concise statement on the findings of the Anti-defamation League, and to the full report which follows.

The report is presented in the form of a letter to Dr. Jacob Seidenberg, executive director of the President's Committee on Government Contracts, to whom it was originally directed. The President's Committee will establish jurisdiction of agencies that have awarded Government contracts to some of the firms cited, the proper agency then taking action. Many, however, are purely private concerns. In those cases the only protection that is available to the job seeker is the vigilance of the public and of organizations like the Antidefamation League, and the concern of Congress for the rights of every American.

As noted in the report, a number of the firms are large national corporations. It is only fair to point out that the discriminatory practices used by these firms do not necessarily reflect the policy of the national organization, but in many cases originate with a local manager or minor official.

A list of the cited firms is available in my office, and interested Members are welcome to look at it at their convenience.

TRANSCRIPT OF TV NEWS BROADCAST, BILL STOUT, KNXT, LOS ANGELES (CBS)

One of the organizations active in the fight against prejudice charged today that there still is widespread job discrimination in the Los Angeles area.

The Anti-Defamation League of B'nai B'rith filed a formal complaint in Washington with the President's Committee on Government Contracts. The complaint lists more than 200 Los Angeles business firms. Twenty-one of them are known to hold Federal contracts, many others are believed to be doing Government business. (All such contracts say no discrimination.)

The ADL charges that each of those 200 firms placed discriminatory job orders with private employment agencies. Job orders specifying that Negroes, Jews, Orientals, Mexicans, or Catholics were not to be considered by the agency.

I cannot give you the names of the companies cited in the complaint sent to Washington. But I can tell you what areas of business they cover and how the employment agencies go about practicing discrimination in secret.

Those listed in the complaint include 40 manufacturing firms, 32 insurance companies and agencies, 10 food processors, and others in banking, finance, research, oil, transportation and miscellaneous fields. Each of the firms placed with an employment agency a job order ruling out a certain group of Americans.

According to the complaint, the agencies followed through by using coding systems. A certain number would refer to Jews—none were to be considered—another number meant Mexicans, others stood for Orientals, Negroes, or Catholics. But not all agencies used numbers in their coding systems. Some used letters. Letters which, when attached to job orders, meant that no persons of this or that group were to be considered.

All these orders applied to clerical workers, office personnel. And in sending its

complaint to Washington, the Anti-Defamation League, through its executive committee chairman, Jack Berman, expressed shock that in the present day job market there could be such widespread discrimination.

Especially, said Berman, at a time when the help-wanted ads indicate a shortage of skilled personnel for office work. Berman added that the ADL is disturbed by the role of the private employment agencies. He referred to what he called their nefarious coding system, which reduces people to numbers and letters.

Berman touched on the national situation when he noted that 27 of the firms cited in the Los Angeles complaint are major national corporations. Many of those, he said, were found in a recent Chicago survey to have placed job orders in that city which carried similar clauses of discrimination.

Last year the county board of supervisors considered a proposed ordinance to outlaw job discrimination, a fair-employment practices law. And just this spring a similar bill was considered by the State legislature. Various spokesmen for local business groups opposed both measures. They argued that coercion will not help end discrimination, and they argued also that the record of southern California business, without such a fair-employment law, is far better than that of many areas where such laws are in effect.

Randolph Van Nostrand, public relations man for the Merchants and Manufacturers Association, told the supervisors last year that his group strongly advocates merit employment—no consideration of race, religion, or origin, employment based solely on merit and ability. Such a policy, said Van Nostrand, is an individual matter, each case to be judged on its own. But he said it is also a voluntary action and a matter of principle. For that reason, his group opposed the fair employment law later rejected by the county.

Van Nostrand went on to claim that in the past 15 years Los Angeles has absorbed the greatest migration in history without disturbance, commotion, or incident. In those 15 years, he said, the Negro population has increased more than 300 percent. From 75,000 in 1940 to 325,000 in 1955. It is, he said, and he voiced the feelings of many businessmen, it is to the credit of Los Angeles and its people that this has been accomplished.

Van Nostrand said also that Chicago, which has a fair-employment law, had had less success in integrating its newcomers, and a high rate of race conflict and violence. The latest white-Negro battle broke out just yesterday on Chicago's South Side.

So the business groups claim a record of success. And the Antidefamation League in its complaint filed today in Washington, says in effect that there still is much work to be done.

One business group, in arguing against a fair employment law, quoted the Reverend Edward Keller of the University of Notre Dame. He said "It ill befits the United States, as the one place in the world where the personal worth, dignity and liberty of the individual is a cherished tradition, to set the example of compulsion where voluntary action is not merely possible but practical and effective." The Antidefamation League, in filing this new complaint, quoted President Eisenhower who said "this problem (equality of employment) and its solution are the job of all of us. Government can and must help," said the President. "But the final answer is up to you and me and the communities in which we live."

JULY 26, 1957.

Dr. JACOB SEIDENBERG,
*Executive Director, The President's
Committee on Government Con-
tracts, Washington, D. C.*

DEAR DR. SEIDENBERG: During the past 17 months, the Pacific Southwest regional office of the Antidefamation League of B'nai B'rith received information from three independent sources which reveals widespread discrimination in employment in southern California. The information, which was supplied to our organization by employees of private employment agencies, concerned 202 firms which placed discriminatory job orders with their agencies during that period. Of this number, 21 are definitely known to be Government contractors. In many instances, firms placed discriminatory job orders with two or more of the employment agencies from which the information was received. In addition, many of the firms which placed such job orders had previously been cited by the Chicago Bureau of Jewish Employment when that agency filed a formal complaint with your committee some time ago. The employment agencies from which this information was obtained concentrate almost exclusively on supplying industry with clerical help, and the fact of discrimination on this level is shocking when one considers the general scarcity of efficient and competent employees. Furthermore, we were appalled at the large number of major national corporations which had placed discriminatory job orders, some of which are among the leading firms in American industry.

Each of the three employment agencies used a code system in which certain symbols or numbers designated a particular religious or racial minority. Thus, the number "53" was used to identify Jews, and the number "99" was the code for Negroes. The letter "C" was used to identify a Caucasian, and "G" was used instead of the word, "gentile." Interestingly, 2 of the 3 agencies used almost identical code systems.

Our staff checked the name of each firm reported on with the Jewish Employment and Counseling Service, a nonsectarian, nonfee agency of the Los Angeles Federation of Jewish Welfare Organizations, to determine if it had a referral relationship with these firms or if it had any record of placing persons with any of them. A small number of the firms reported on, and which were restricted to caucasians only, had job order relationships with the JECS. The remainder of these firms had no such relationship whatsoever with this agency.

We have divided the list of 202 firms into 2 categories. The first contains the names of 21 firms, all of which are definitely known Government contractors. The second category contains the names of 181 firms which may have Government contracts.

We realize that the purview of the President's Committee on Government Contracts is limited only to those firms which have contracts with the Federal Government and its contracting agencies. Nevertheless, we wanted to submit to your committee all of the information on employment discrimination which was brought to our attention because some of the firms in the second category may very well have Government contracts. In addition, we wanted to present to your committee some overall indication of the extent of employment discrimination in the Metropolitan Los Angeles area.

It is important to keep in mind that this information is not intended to give a complete and total picture of employment discrimination in this area, because our information was obtained from each agency

during relatively short periods of time; we are confident that our findings are only a conservative indication of the total problem.

Finally, it is important to note that our first two informants from employment agencies "A" and "B" were under the impression that our agency was only interested in discrimination against Jews and they reported to us about such firms. Further conversation with these people indicated that every firm which specified "no Jews" also specified no Negroes, no Mexicans, and many of them specified no orientals. In addition, there were many firms which were not reported to us which had no restrictions against Jews but which instructed the employment agencies not to refer Negroes, Mexicans, and orientals.

In view of the above, the Pacific Southwest regional office of the Anti-Defamation League of B'nai B'rith hereby files the following data with the President's Committee on Government Contracts and requests that the Committee institute its own investigation of those firms on the attached list which have Government contracts and take whatever action is necessary to abolish racial and religious discrimination by such firms.

Respectfully submitted.

JACK Y. BERMAN,
Chairman, Executive Committee.

ANALYSIS MADE BY CONGRESSIONAL QUARTERLY ON ROLL-CALL VOTES

(Mr. LAIRD (at the request of Mr. WEAVER) was given permission to extend his remarks at this point.)

Mr. LAIRD. Mr. Speaker, there has been considerable controversy regarding the analysis made by the Congressional Quarterly of rollcall votes in this first session of the 85th Congress, as they applied to support or opposition of the administration. Fourteen economy rollcalls were used by the Congressional Quarterly in an attempt to show a real division in the Republican Party between the White House and the Republican leadership here in the House of Representatives. I include in the RECORD at this point a copy of a letter which I have this date forwarded to Mr. Thomas N. Schroth, executive editor of the Congressional Quarterly:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., August 7, 1957.

Mr. THOMAS N. SCHROTH,
*Executive Editor,
Congressional Quarterly,
Washington, D. C.*

DEAR MR. SCHROTH: This is in further reference to your letter of May 29, 1957, regarding the rollcall tabulation compiled by Congressional Quarterly, setting forth individual and party support for the program of President Eisenhower.

You will recall that on several occasions I have taken sharp issue with the rollcall interpretations by your organization as I believe they truly misrepresented the position of President Eisenhower. In your letter of August 8, 1956, you stated: "In analyzing the rollcall votes with reference to support or opposition to the President's position, Congressional Quarterly bases its selection of rollcalls solely upon public statements of the President."

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 9, 1957
For actions of August 8, 1957
85th-1st, No. 142

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HIGHLIGHTS: House received conference report on mutual security authorization bill. House committee reported bill to prohibit trading in onion futures. Senate passed public works appropriation bill. Sen. Carlson urged commodity approach to farm program and domestic parity plan for wheat.

HOUSE

1. FOREIGN AID. Received the conference report on S. 2130, the mutual security authorization bill. The revised bill provides a total authorization of \$3,367,083,000, a reduction of \$250,250,000 below the Senate figure and an increase of \$250,250,000 above the House authorization. It provides \$175 million to be made available from funds appropriated for the mutual security program to finance the export and sale for foreign currencies of surplus agricultural commodities, as compared with the authorization of \$200 million by the Senate and \$150 million by the House. It provides authorization for an appropriation of \$625,000,000 for fiscal 1959 for the Development Loan Fund in addition to the authorization for a current appropriation of \$500,000,000; neither authorization is subject to fiscal year limitation, and both will remain available until expended. (H. Rept. 1042) pp. 12837-38, 12882
2. WHEAT. Conferees were appointed on S. 959, to exempt certain wheat producers from liability where all the wheat crop is fed or used for seed or food on the farm where produced (p. 12866). Senate conferees were appointed Aug. 7.

3. POULTRY INSPECTION. Rep. Hoeven was appointed a conferee in the place of Rep. Andresen on S. 1747, to provide for the compulsory inspection by this Department of poultry and poultry products. p. 12866
4. ONIONS FUTURES. The Agriculture Committee reported with amendment H.R. 376, to prohibit trading in onion futures in commodity exchanges (H. Rept. 1036). p. 12882
5. INFORMATION. Rejected, 115 to 284, the conference report on H.R. 4813, to extend the life of the D.C. Auditorium Commission. pp. 12825, 12829-37
6. DROUGHT RELIEF. Rep. Philbin urged Federal drought relief for New England, and requested that the Soil Conservation Service make available immediately new seeding for its drought-stricken farmers. p. 12875
7. INTEREST RATES; LOANS. Rep. Abernethy charged that farmers and small businessmen are being hurt by higher interest rates. pp. 12868-69
8. PERSONNEL. The proposed bill which was recently submitted to Congress by the Civil Service Commission (see Digest 134) removes the present Classification Act limitation on (1) the total number of supergrades and (2) the number of such positions in each grade. It also repeals all special authorizations for supergrades, but leaves existing jobs in their present grades subject to change by the Commission.
9. VOCATIONAL REHABILITATION. The Education and Labor Committee ordered reported with amendment H.R. 8429, to extend the time in which grants may be made to the States for vocational rehabilitation program expansion. p. D755
10. SUPPLEMENTAL APPROPRIATION BILL, 1958. In addition to the items mentioned in Digest 141, this bill (H.R. 9131) includes items for payment of various claims audited claims, and judgments. The Committee included a statement in its report as follows:

Disbursements. "In the absence of action by the Executive Branch, the Committee is using this vehicle to inform the Treasury Department that in the event a report to the contrary is not received, it will consider only estimates for the fiscal year 1959 which contemplate the dispersal of large-scale repetitive payments to the Departments and agencies concerned." (The Committee report also criticizes "interminable delay in, studying and reviewing this subject.")

SENATE

11. HOUSING. Passed with amendments H.R. 4602, to encourage veterans' residential housing construction in rural areas by raising the maximum limits on direct loans. Senate conferees were appointed. House conferees have not been appointed. pp. 12753-8
12. APPROPRIATIONS. Passed with amendments H.R. 8090, public works appropriation bill for 1958. Senate and House conferees were appointed. pp. 12710-27, 12865
13. PERSONNEL. Passed without amendment S. 1411, to allow security hearings of employees not suspended from Federal employment. p. 12768

clear plant with a capacity of 40,000 kilowatts—kilowatts, incidentally, for which it has no real need. The Commission's reactor experts have stated that existing technology does not justify undertaking this particular project at this time.

It would be compelled to build this reactor, despite the fact that a group of Florida utility companies, known as the Florida nuclear power group, proposes to build a gas-cooled, natural-uranium reactor for commercial use, with a capacity of 136,000 kilowatts, and have it in operation in 1962.

The Florida reactor is being designed by Dr. Walter Zinn, one of the world's foremost authorities on nuclear reactors who has served as consultant to the Joint Committee on Atomic Energy.

The Florida reactor has been proposed under the Government's partnership program with industry, in direct response to the AEC's invitation of last January that industry join in the building of this type of power reactor.

Nevertheless, it is now proposed that the Government undertake what would be to a large extent a duplication of effort—and certainly a waste of precious manpower.

The Florida nuclear power group estimates that the cost of its plant will amount to about \$350 per installed kilowatt.

Yet you are being asked now to build a plant of the same general type entirely at the expense of the taxpayer—at a cost of \$1,000 per kilowatt.

This is not sound practice. It is not the prudent way to proceed with the development of nuclear power in the United States.

I am sure you will agree that it is a wasteful and roundabout way to proceed toward our national goal of abundant, safe, and economical nuclear power, and an opportunity to express that disapproval will be given you by my colleague, the gentleman from Pennsylvania [Mr. VAN ZANDT].

(Mr. COLE asked and was given permission to revise and extend his remarks.)

Mr. DURHAM. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc.

SEC. 101. Authorization: There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (1) of the Atomic Energy Act of 1954, as amended, the sum of \$259,230,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

(a) Raw materials.—

1. Project 58-a-1, offsite access roads.

(b) Special nuclear materials.—

1. Project 58-b-1, fabrication plant, \$5 million.

2. Project 58-b-2, mechanical production line, Hanford, Wash., \$1,500,000.

3. Project 58-b-3, metal treatment plant, Fernald, Ohio, \$850,000.

4. Project 58-b-4, improvements to production and supporting installations, Hanford, Wash., and Savannah River, S. C., \$10,000,000.

5. Project 58-b-5, additions to scrap plants, various sites, \$1,500,000.

6. Project 58-b-6, additions to gaseous diffusion plants, \$6,600,000.

7. Project 58-b-7, reduction in fire hazards—gaseous diffusion plants, Oak Ridge, Paducah, and Portsmouth, \$12 million.

8. Project 58-b-8, production reactor for special nuclear materials; development, design, and engineering only, \$3 million. The Commission shall proceed with sufficient design work, together with appropriate engineering and development work, necessary for the Commission to begin construction as soon as practicable after authorization by the Congress, of a large scale single or dual purpose reactor for the production of special nuclear materials. The Commission shall submit to the Joint Committee on Atomic Energy a report on its design for this project, including cost estimates and schedule of construction, not later than April 1, 1958.

(c) Atomic weapons.—

1. Project 52-c-1, weapons production and development plant \$10 million.

2. Project 58-c-2, weapons special component plant \$6 million.

(d) Atomic weapons.—

1. Project 52-d-1, manufacturing plant expansion, Albuquerque, N. Mex., \$3,325,000.

2. Project 58-d-2, storage site modifications, \$2 million.

3. Project 58-d-3, high explosive development plant, Livermore, Calif., \$2,100,000.

4. Project 58-d-4, engineering and laboratory building, Los Alamos, N. Mex., \$1,013,000.

5. Project 52-d-5, ventilation system replacements, Los Alamos, N. Mex., \$618,000.

6. Project 58-d-6, reclamation foundry, shop, and warehouse, Sandia Base, N. Mex., \$308,000.

7. Project 58-d-7, reactor, area III, Sandia Base, N. Mex., \$2,900,000.

8. Project 58-d-8, base construction, Nevada test site, \$350,000.

9. Project 58-d-9, base construction, Eniwetok Proving Ground, \$7,917,000.

(e) Reactor development.—

1. Project 58-e-1, power reactor development acceleration project, \$11,500,000.

2. Project 58-e-2, Puerto Rico power reactor.

3. Project 58-e-3, fuels technology center, Argonne National Laboratory, Illinois, \$10 million.

4. Project 58-e-4, modifications and additions, aircraft nuclear propulsion ground test plant, area No. 1, National Reactor Testing Station, Idaho, \$8 million.

5. Project 58-e-5, test installations for classified project, \$9 million.

6. Project 58-e-6, project Sherwood plant, \$7,750,000.

7. Project 58-e-7, waste calcination system, National Reactor Testing Station, Idaho, \$4 million.

8. Project 58-e-8, hot cells, \$3,500,000.

9. Project 52-e-9, high temperature test installation, Bettis plant, Pennsylvania, \$3 million.

10. Project 58-e-10, destroyer reactor development plant, \$750,000.

11. Project 58-e-11, sodium reactor experiment (SRE) modification, Santa Susana, California, \$4,700,000.

12. Project 58-e-12, liquid metal fuel reactor experiment (LMFRE), \$17,500,000.

13. Project 58-e-13, Argonne boiling reactor (ARBOR), National Reactor Testing Station, Idaho, \$8,500,000.

14. Project 58-e-14, natural uranium, graphite moderated, gas cooled, power reactor prototype designed for the production of approximately 40,000 electrical kilowatts, \$40 million.

15. Project 58-e-15, plutonium recycle experimental reactor designed for the production of 15,000 electrical kilowatt equivalent, \$15 million.

(f) Reactor development.—

1. Project 58-f-1, waste storage tanks, National Reactor Testing Station, Idaho, \$3,700,000.

2. Project 58-f-2, hot pilot plant, \$2 million.

3. Project 58-f-3, land acquisition, National Reactor Testing Station, Idaho, \$1 million.

(g) Physical research.—

1. Project 58-g-1, accelerator improvements, University of California Radiation Laboratory, California, \$875,000.

(h) Physical research.—

1. Project 58-h-1, reactor improvements, Argonne National Laboratory, Illinois, \$380,000.

(i) Biology and medicine.—

1. Project 58-i-1, mammalian radiation injury and recovery area, Oak Ridge National Laboratory, Tennessee, \$475,000.

(j) Training, education, and information.—

1. Project 58-j-1, nuclear training project, Regional Nuclear Training Center, Puerto Rico, \$2,500,000.

(k) Community.—

1. Project 58-k-1, schools, Los Alamos, N. Mex., \$965,000.

2. Project 58-k-2, housing modifications, Los Alamos, N. Mex., \$1 million.

3. Project 58-k-3, additional water well, Los Alamos, N. Mex., \$138,000.

(l) General plant projects: \$26,016,000.

Mr. DURHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8996) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, had come to no resolution thereon.

APPROPRIATIONS FOR CIVIL FUNCTIONS ADMINISTERED BY THE DEPARTMENT OF THE ARMY

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8090) making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

The Chair hears none, and appoints the following conferees: Mr. CANNON, Mr. RABAUT, Mr. KIRWAN, Mr. FOGARTY, Mr. RILEY, Mr. EVANS, Mr. BOLAND, Mr. MAGNUSON, Mr. JENSEN, Mr. H. CARL ANDERSEN, Mr. TABER, Mr. FENTON, and Mr. BUDGE.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection?
There was no objection.

TO AMEND AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 959), to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, with House amendments, insist on the amendments of the House and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

The Chair hears none, and appoints the following conferees: Mr. COOLEY, Mr. POAGE, Mr. GRANT, Mr. AUGUST H. ANDRESEN, and Mr. HILL.

CALENDAR WEDNESDAY

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next week be dispensed with.

The SPEAKER. Is there objection?
There was no objection.

COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota, Mr. AUGUST H. ANDRESEN, be removed as a conferee on the bill S. 1747 and that the gentleman from Iowa [Mr. HOEVEN] be appointed in his stead.

The SPEAKER. Is there objection?
There was no objection.

The SPEAKER. The Clerk will notify the Senate of the change of conferees.

FOR YOUTH FITNESS

(Mr. HUDDLESTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDDLESTON. Mr. Speaker, it appears that children's play habits, like everything else, have changed in recent years. Healthful recreational games like hopscotch and blindman's buff have given way to such dubious indoor diversions as Man From Mars and Superman. What has happened, it seems is that pastimes of mere amusement have completely replaced the wholesome muscle-building variety of games. Undoubtedly, the advent of television has drawn the children indoors from the health-giving exercises of the playground.

This is one of the worst problems brought about by the progressive urbanization of American living conditions. The victims are our children, although they now fail to realize the ill effects. They suffer physically because they lack the exercise which outdoor play affords.

Children are encouraged to play in the parlor when they should be working out in the gymnasium. The immediate result is that this generation of children is growing flabby, falling far below normal standards in physical fitness. They are becoming, in effect, softies. Exercise builds stout bodies and insures bountiful health. Without proper exercise, youth can suffer now as well as later.

There is a common belief that children, if given the opportunity to play, will adequately exercise themselves. The changing times in which we live is turning this concept into fallacy. Our conveniences of life are by eliminating the need for ordinary physical activity contributing to a physical and moral softening of young generations. Within the last few years, there has been a change in the attitude of many children regarding their play habits. As youngsters, we used to play and play hard because we had rather play than do anything else. With automation and pushbutton gadgets, there is greater need for exercise today. However, there are so many constant attractions nowadays that some children actually do not want to play. They had rather watch television or go to the movies.

Without an outlet for his excess energies, the youth may seek daring and out of the ordinary escapes. Instead of wholesome play, he may turn to gang warfare, crimes of violence, or other delinquent activities. It is far easier to provide for proper recreation than it is to cope with juvenile delinquents. Yet, delinquency is increasing in incidence every year. It is considered a symptom of many deep-seated causes, a principal one of which is a lack of recreational activities.

Mr. Speaker, it is imperative that we awaken to the fact that more attention must be given to our children's physical education. Unless we achieve youth fitness today, we cannot have national fitness in the years to come. Already, the President has designated a group of outstanding citizens to study this alarming situation. The President's Council on Youth Fitness has expressed concern over the ill effects of soft-living habits on this generation of children. The Council, together with a Citizens Advisory Committee, is out to find effective methods to achieve physical fitness in today's youth.

Pending before the House Committee on Education and Labor is a bill which I have introduced to boost fitness and to thwart delinquency. My bill, H. R. 7875, would establish the Civic Health through Athletic and Mental Proficiency Society, the initial letters of which spell CHAMPS. This legislation would reward youngsters who are champs in their fields, either culturally or physically. Specifically, the bill provides for a series of local, district, State and national awards upon the attainment of certain standards.

By encouraging wholesome leisure time activities through cultural pursuits and physical achievements, this program would contribute significantly to the prevention of juvenile delinquency. The

program would direct the excess energy of youth into sound channels conducive to absorbing excess time and energy while, at the same time, stimulating the minds and bodies of the younger generation toward more intensive physical prowess and cultural progress. Physical fitness, it is pointed out, complements moral and mental fitness.

While this legislation will by no means eliminate juvenile delinquency, it attacks the problem from a positive angle. By offering an appealing program for participation, it will undoubtedly provide an effective delinquency countermeasure. It stands to reason that boys and girls' participation in this program, whether in the cultural or physical fields or both, will be a deterrent against delinquency. What is more, it is safe to assume that these children in turn will oppose any delinquency on the part of their young friends.

One of the most significant features of this legislation is the provision that each participant achieving certain goals be rewarded. This form of honor, I strongly believe, is far more desirable than that of direct competition against each other. This is the type of system the Boy Scouts and Girl Scouts employ in awarding their much-sought merit badges.

Mass participation is to be desired without undue emphasis on those who are physically or intellectually gifted. For this reason, a program designed to reach the boy or girl with ordinary physical and cultural abilities must not overly concentrate on competition. In our time, there is entirely too much stress placed on winning the game, rather than in the sport of playing the game. In emphasizing character-building activities, this program cannot further magnify the victor and accentuate in youth the sole desire to win no matter how the game is played. The principal objective of this program, therefore, is to build strong bodies and sound minds and not to create a generation of literary geniuses or super-athletes.

Competitive sports still have an important place in our physical education system. Team activities teach sportsmanship and spread the glory of winning over the entire team, rather than heap all the praise on one individual. Too much importance is placed on team sports, however, and not enough on the healthful solo exercises of the gymnasium. It is significant that cadets at the United States Military Academy, whose physical fitness is a virtual necessity, are all required to box. The benefit comes in the participation.

The legislation which I have introduced provides for a fairly flexible youth program. It is national in scope to afford uniformity in achievement standards and goals. However, there is no Federal control, as the program's administration is purely local. In drafting this bill, it was my intention to restrict the activities of the Federal Government as much as possible, yet allowing for nationwide participation. For this reason, the bill provides for the appointment of a State chairman and a chairman for each congressional district, who would have

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued
For actions of

August 14, 1957
August 13, 1957
85th-1st, No. 146

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HIGHLIGHTS: Senate agreed to conference report on mutual security authorization bill. Both Houses agreed to conference report on public works appropriation bill. Senate passed temporary appropriations measure for August. Sen. Morse inserted Farmers' Union telegram opposing Paarlberg nomination. Conferees agreed to file conference report on poultry inspection bill. House subcommittee ordered reported bill to suspend payments on loans in disaster areas.

SENATE

1. FOREIGN AID. Agreed to the conference report on S. 2130, the mutual security authorization bill. pp. 13204-6, 13213-21, 13287-328
2. PUBLIC WORKS APPROPRIATION BILL, 1958. Both Houses agreed to the conference report on this bill, H. R. 8090, and acted on amendments in disagreement. This bill will now be sent to the President. pp. 13329-41, 13230-7
3. TEMPORARY APPROPRIATIONS. Passed without amendment H. J. Res. 426, to provide appropriations for Aug. 1957 pending enactment of the regular appropriations for certain agencies. This measure will now be sent to the President. p. 13191
4. NOMINATION. Sen. Morse inserted a telegram from James G. Patton, of the Farmers Union, opposing the nomination of Don Paarlberg as Assistant Secretary of Agriculture. p. 13190

5. PERSONNEL. Began debate on S. 2127, to amend the Federal Employees' Life Insurance Act of 1954 so as to limit reductions in the face value of policies after retirement. pp. 13191-5

Several Senators spoke in favor of pay raises for Federal employees. Sen. Humphrey claimed the administration has encouraged inflation, through increased interest rates, and should not object to pay raises from the inflation standpoint. He suggested that the administration had caused reductions in farm income. He gave increased food processing costs as a reason for Government pay raises. pp. 13195-201

6. LAND WITHDRAWALS. The Interior and Insular Affairs Committee reported without amendment H. R. 5538, to provide that withdrawals, reservations, or restrictions of more than 5,000 acres of public lands for certain purposes shall not become effective until approved by act of Congress (S. Rept. 857). p. 13173

7. ELECTRIFICATION. Sen. Murray inserted several resolutions from the N. Dak. Assn. of Rural Electric Cooperatives. pp. 13172-3

8. TRANSPORTATION. The report of the Small Business Committee on "Mergers and Possible Growth of Concentration in the Trucking Industry" was presented. p. 13178

9. TENNESSEE VALLEY AUTHORITY. Sen. Schoeppel inserted an editorial favoring the nomination of A. R. Jones to the TVA Board. p. 13182

HOUSE

10. POULTRY INSPECTION. The Conferees agreed to file a conference report on S. 1747, to provide for the compulsory inspection by this Department of poultry and poultry products. p. D774

11. TRANSPORTATION. The conferees agreed to file a conference report on S. 939, to amend the Interstate Commerce Act to provide that reduced rate agreements for the movement of government freight or passengers shall apply only in time of war or national emergency, and to finalize contracts made between the government and common carriers. p. D774

12. FARM LOANS. A subcommittee of the Agriculture Committee ordered reported H.R. 8934, to make available to farmers in disaster areas a one-year suspension of payments of principal and interest on loans obtained from this Department. p. D772

Received a Peach Growers Cooperative Assoc. petition favoring the enactment of this legislation. p. 13286

13. FLOOD CONTROL. The Public Works Committee reported with amendment S. 497, the rivers and harbors and flood control bill (H. Rept. 1122). p. 13283

14. WATER UTILIZATION. The Interior and Insular Affairs Committee reported without amendment H.R. 8465, to grant the consent of Congress to the Klamath River Basin compact between the States of Calif. and Ore. (H. Rept. 1130). p. 13284

15. WATERSHEDS. Received from the Bureau of the Budget watershed work plans for the Caney Creek watershed, Ark., the Sandy Creek watershed, Okla., the Lacamas Creek tributaries watershed, Wash., and the Sulphur Creek watershed, Tex.; to Agriculture Committee. p. 13283

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: House received conference report on poultry inspection bill. House agreed to conference report on mutual security authorization bill. Ready for President. Sen. Watkins urged passage of bill to transfer certain work under Packers and Stockyards Act to ETC. Sen. Stennis introduced and discussed bill to preserve cotton acreage history.

HOUSE

1. FOREIGN AID. By a vote of 226 to 163, agreed to the conference report on S. 2130, the mutual security authorization bill. This bill will now be sent to the President. pp. 13431-5
Received from the President foreign-aid appropriation estimates for 1958 of \$3,386,860,000; to Appropriations Committee (H. Doc. 225). p. 13493
Reps. Albert and Cannon announced that the foreign-aid appropriation bill is to be debated beginning today, Aug. 15. pp. 13450, 13472
2. POULTRY INSPECTION. Received the conference report on S. 1747, the poultry inspection bill (H. Rept. 1170). pp. 13472-5
3. TEXTILE IDENTIFICATION. Passed with amendments H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. pp. 13435-50
4. TRANSPORTATION. Passed, 177-176, without amendment S. 1383, to amend the Interstate Commerce Act to change the requirements for obtaining a freight forwarder permit. This bill will now be sent to the President. pp. 13450, 13462-71

Received the conference report on S. 939, to limit the applicability of free or reduced transportation rates for Government traffic. pp. 13475-6
Passed without amendment H. R. 8825, to amend the Interstate Commerce Act so as to revise the definition of "contract carrier by motor vehicle." pp. 13477-8

5. EMERGENCY FACILITIES. Concurred in the Senate amendments to H. R. 232, which limits ODM tax-amortization authority to certificates made on or before Aug. 22, 1957, and (1) facilities to produce new or specified defense items and (2) facilities to provide research development of experimental services for the defense program. This bill will now be sent to the President.
 6. FEDERAL AID. Rep. Kelley questioned turning over to the States various Federal-aid programs, including the school lunch program. p. 13480
 7. FISH; RICE. The Merchant Marine and Fisheries Committee referred S. 1552, to develop methods for commercial production of fish on flooded rice acreage, back to the subcommittee for further hearings. (The subcommittee had previously reported the bill to the full committee.) p. D780
- SENATE
8. MONOPOLIES; MEATPACKERS. Sen. Watkins urged passage of S. 1356, to transfer certain work under the Packers and Stockyards Act to FTC, and discussed the background and need for such legislation. pp. 13401-06
 9. MILITARY CONSTRUCTION. Conferees were appointed on H.R. 8240, to authorize certain construction at military installations, including the use of foreign currencies acquired under Public Law 480 for the construction of military family housing units in foreign countries (p. 13388). House conferees were appointed Aug. 13.
 10. FISHERIES. The Interstate and Foreign Commerce Committee reported with amendment S. 2349, to facilitate the conduct of fishing operations in Alaska, and to promote the conservation of its fishery resources (S. Rept. 963). p. 13344
 11. FORESTRY. Sen. Neuberger inserted several articles discussing the controversy over the termination of Federal supervision over the Klamath Indians, including timberlands. pp. 13352-53
 12. ELECTRIFICATION. Sen. Morse inserted a resolution and letter favoring construction of the Hells Canyon dam. p. 13356
Several Senators discussed and inserted material on the nomination of Jerome K. Kuykendall to be a member of the Federal Power Commission. pp. 13406-12, 13420-24
 13. ATOMIC ENERGY. Several Senators discussed and inserted material on the development of atomic reactors. pp. 13356-58, 13388-92, 13400-01
Sen.
 14. FOREIGN AID. Sen. Johnson, Knowland, and others discussed the possible effects of the President's statement on the possibility of a special session of Congress if adequate funds are not included in the mutual security appropriation bill. pp. 13412-16
 15. TRANSPORTATION. Received an Ala. legislature resolution urging a reduction in excise taxes levied on transportation. p. 13343

POULTRY PRODUCTS INSPECTION BILL

AUGUST 14, 1957.—Ordered to be printed

Mr. COOLEY, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 1747]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1747) To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: *That this Act may be cited as the "Poultry Products Inspection Act"*.

LEGISLATIVE FINDING

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome and adulterated poultry products in the channels of interstate or foreign commerce, are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this Act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of large centers of population may directly affect the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce should be designated by the Secretary pursuant to the provisions of this Act.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome, adulterated, or otherwise unfit for human food.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(g) The term "unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(h) The term "adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: Provided, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(i) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State agency.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

(n) The term "label" means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, of the poultry product, or accompanying such product.

(o) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term "immediate container" includes any consumer package; or any other container in which poultry carcasses or poultry products, not consumer packaged, are packed.

DESIGNATION

SEC. 5. Upon application by any appropriate State or local official or agency of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an

area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this Act for such area to be subject to the provisions of this Act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this Act, he shall by order designate such area and prescribe the provisions of this Act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until six months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this Act.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND QUARANTINE

SEC. 6. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector. Provided, That carcasses, parts, and products, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, and products shall be destroyed for human food purposes under the supervision of an inspector.

SANITATION, FACILITIES, AND PRACTICES

SEC. 7. (a) Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are re-

quired by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated major consuming area, of poultry products which are unwholesome or adulterated.

(b) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

LABELING

SEC. 8. (a) Each shipping container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed. The Secretary may permit reasonable variations and grant exemptions from the foregoing labeling requirements in any manner not in conflict with the purposes of this Act.

(b) The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this Act or the container thereof which is false or misleading in any particular is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this Act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within thirty days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 9. The following acts or the causing thereof are hereby prohibited:

(a) *The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this Act.*

(b) *The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this Act.*

(c) *Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, used in connection with the inspection of poultry or poultry products under this Act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this Act when such poultry or poultry product has in fact not been so inspected.*

(d) *Using in commerce, or in a designated major consuming area, a false or misleading label on any poultry product.*

(e) *The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.*

(f) *The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated major consuming area, upon presentation of appropriate credentials.*

(g) *The refusal to permit access to and the copying of any record as authorized by section 11 of this Act.*

(h) *The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under the authority of this Act, concerning any matter which as a trade secret is entitled to protection.*

(i) *Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this Act), in commerce or from an official establishment or in a designated major consuming area, except as may be authorized by, and pursuant to rules and regulations prescribed by the Secretary.*

COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

SEC. 10. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated major consuming area shall process any poultry or poultry product except in compliance with the requirements of this Act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 11. For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for a period of two years after the transaction, which is the subject of such record, has taken place.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 9, 10, 11, or 17, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than six months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than one year, or a fine of not more than \$5,000, or both such imprisonment and fine; but if such violation is committed after two or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than two years, or a fine of not more than \$10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this Act or were not otherwise eligible for transportation under this Act.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his

views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 14. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers only: Provided, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: Provided, however, That no such exemption shall continue in effect on and after July 1, 1960; and

(4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act.

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

VIOLATIONS BY EXEMPTED PERSONS

SEC. 16. Any person who sells, delivers, transports or offers for sale or transportation in commerce or in a designated major consuming area any poultry or poultry products which are exempt under section 15, and which are unwholesome or adulterated and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

IMPORTS

SEC. 17. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful,

wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this Act. All imported, slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution for such Acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 18. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this Act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of Government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 19. The cost of inspection rendered under the requirements of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this Act, at such rates as the Secretary may determine, shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 21. *If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.*

EFFECTIVE DATE

SEC. 22. *This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made.*

And the House agree to the same.

HAROLD D. COOLEY,
GEORGE M. GRANT,
JOHN C. WATTS,
CLARK W. THOMPSON,
WILLIAM S. HILL,
CHARLES B. HOEVEN,
CLIFFORD G. MCINTIRE,

Managers on the Part of the House.

ALLEN J. ELLENDER,
HUBERT H. HUMPHREY,
HERMAN E. TALMADGE,
GEO. D. AIKEN,
JOHN J. WILLIAMS,

Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and substituted the language of H. R. 6814 as passed by the House on July 9, 1957. The bill reported herewith is a substitute for the House amendment which has been agreed upon by the conferees. Except for changes of a clarifying or technical nature, following are the differences between the House amendment and the committee substitute

SECTION 5

This section follows substantially the House language but has been modified to include a provision of the Senate bill which provides that application for a hearing by the Secretary may be made by an appropriate State official, as well as by those persons designated in the House amendment. As recommended by the conferees, the section now provides that three classes of persons may make application to the Secretary for designation of an area as a "major consuming area." These are: (1) Any appropriate State official representing a substantial portion of such area; (2) any appropriate local official or agency of a substantial portion of such area; or (3) an appropriate local poultry industry group in such area.

The committee of conference reemphasizes the fact that this provision as reported by the conferees provides that the public hearing contemplated is a quasi-legislative hearing and the facts or opinions submitted thereat may be supplemented by investigations by the Secretary to aid in his determination as to whether a designation of an area should be made. Such hearing and investigation are to develop not only information as to the volume of poultry marketed in a major consuming area, but all other facts which would bear upon the question as to whether the designation of such an area will tend to effectuate the purposes of the act.

SECTION 6

Section 6 is substantially the House language. Subsection (b) was amended to make it clear that reinspection, quarantine, and segregation of poultry may take place at any time and need not be done when the plant is in operation.

In connection with post mortem inspection, the committee of conference in adopting the House language reiterates the interpretation of the language as contained in the House report that—

the Secretary * * * shall at all times provide sufficient inspectors and employ such procedures as will not slow down processing operations in the plants being inspected.

SECTION 7

The committee of conference has followed the House language in section 7 and, in doing so, points out that there is no authority in this bill for the Secretary to withdraw inspection from all of the plants operated by a company if he finds that only one or more of such plants are not complying with regulations. Inspection is on a plant-by-plant basis and may be withdrawn only from the particular establishment—

whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

SECTION 8

Subsection (a) was identical in both the House and Senate versions except that the Senate bill contained authority for the Secretary to permit reasonable variations and grant exemptions from the labeling requirements in any manner not in conflict with the Federal Food, Drug, and Cosmetic Act. The conference substitute permits exemptions but requires only that they shall not be in conflict with the purposes of this act.

Subsection (b) was identical in both bills except that the Senate bill used the words "in any particular" in connection with labeling which is "false or misleading." The conferees have adopted the Senate language in this case as being more nearly in conformity with other similar statutes.

SECTION 9

Section 9 is identical with the language of the House amendment except that a modification has been made in subsection (i) to permit the Secretary to grant some extension of time to processors of "New York dressed" poultry to comply with the provisions of the act. The effective date of the act with respect to its compulsory features is January 1, 1959. In view of the time which has elapsed since introduction and committee consideration of the bills the conference committee felt that some extension of this time might be needed by some processors of "New York dressed" poultry to permit the changeover of their plant and operations to the processing of eviscerated poultry. The amendment to the House language will permit the Secretary to grant such extension "pursuant to rules and regulations prescribed" by him. It is, however, the intent of the bill that the prohibition against "New York dressed" poultry be made fully effective as soon as practicable.

SECTION 13

The committee of conference has adopted the House language in section 13 and, in doing so, points out that it is the intention of the committee that subsection (b) of this section should apply to public warehousemen who handle poultry products in the course of their movement from processor to consumer on the same terms as it will apply to a carrier. A public warehouseman is in precisely the same

position as a carrier except that, instead of transporting, he stores goods for the general public for hire. It is the opinion of the committee of conference, therefore, that public warehousemen should be treated by the Secretary in exactly the same manner as carriers in enforcing the provisions of this act.

SECTION 17

The House language required knowledge as an element of guilt under this section with respect to a person who sells unwholesome or adulterated poultry under one of the exemptions of the act. The Senate bill did not require knowledge in this respect and the conference bill follows the Senate language.

SECTION 20

The conference bill follows substantially the wording of the House amendment with the addition of language to make it clear that the rates of overtime and holiday pay to be charged processing establishments may be established at a reasonable uniform rate instead of being figured on an individual basis. The holidays to be counted with respect to Federal employees are those which apply to Federal civil-service employees either by law or by Executive or administrative order. Holidays to be counted with respect to State employees will be those legally observed by employees of that State.

SECTION 24

The Senate bill contained no provision similar to section 24 of the House amendment. In view of adoption by the conference committee of the House language in section 19, providing that "the jurisdiction of the Secretary within the scope of this Act shall be exclusive," the committee felt that section 24 would neither add to nor detract from the legal effect of the rest of the bill but might be confusing. It therefore did not include this section in the conference Bill.

HAROLD D. COOLEY,
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WILLIAM S. HILL,
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CLIFFORD G. MCINTIRE,
Managers on the Part of the House.



this industry. Here is what the committee report says is the necessity for the bill:

It has long been recognized that in order to maintain sound economic conditions in transportation—

Now listen to this, if you will—

and to insure adequate, efficient, and economical service to the public, the Interstate Commerce Commission must have some control over the number of entrants and extent of service in any given transport field.

If you follow that philosophy to its logical conclusion, you must say that competition is the thing that destroys an industry and weakens public service. I am not prepared to say that. If you follow that reasoning to its logical conclusion you have got to say that the only way to protect the industries of America and to insure the best service to the public is to close the doors of opportunity and to keep new people from coming into those industries. That, in my opinion, is contrary to experience and contrary to the basic philosophy of American enterprise, and for that reason I am constrained to oppose the bill.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on the bill do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WATTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 1383) amending section 410 of the Interstate Commerce Act, to change the requirements for obtaining a freight forwarded permit, pursuant to House Resolution 387, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. ROOSEVELT) there were—ayes 65, noes 52.

Mr. DAWSON of Utah. Mr. Speaker, I object to the vote on the ground there is not a quorum present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 177, nays 176, not voting 80, as follows:

[Roll No. 195]

YEAS—177

Abbitt	Ashmore	Bass, Tenn.
Adair	Aspinall	Becker
Albert	Auchincloss	Beckworth
Allen, Calif.	Avery	Belcher
Allen, Ill.	Bailey	Bennett, Mich.
Arends	Baring	Bentley

Berry	Gwinn	Nimtz
Betts	Hale	Norrell
Blitch	Halleck	O'Brien, N. Y.
Bolling	Harden	Osmer
Bonner	Hardy	Ostertag
Bosch	Harris	Passman
Bow	Harrison, Nebr.	Pilcher
Eray	Harrison, Va.	Poff
Brooks, La.	Harvey	Prouty
Broomfield	Healey	Rains
Brown, Ga.	Hemphill	Reece, Tenn.
Brown, Ohio	Henderson	Rees, Kans.
Bush	Herlong	Rhodes, Ariz.
Byrne, Ill.	Hill	Rhodes, Pa.
Byrnes, Wis.	Hoffman	Riley
Cannon	Hosmer	Rivers
Carrigg	Hull	Roberts
Cederberg	Hyde	Robeson, Va.
Chelf	Jackson	Rogers, Colo.
Chenoweth	James	Rogers, Mass.
Cole	Jarman	Rogers, Tex.
Colmer	Jensen	Saylor
Cooley	Johansen	Schenck
Cooper	Kearney	Scott, Pa.
Coudert	Kearns	Scudder
Cramer	Keeney	Sheehan
Cunningham,	Keogh	Simpson, Ill.
Iowa	Laird	Simpson, Pa.
Curtin	Landrum	Sisk
Curtis, Mass.	Lankford	Smith, Miss.
Dague	Latham	Smith, Va.
Dempsey	Lennon	Springer
Derounian	McCulloch	Stauffer
Devereux	McIntire	Steed
Dies	McIntosh	Taber
Dingell	McVey	Talle
Dollinger	Macdonald	Thompson, La.
Dooley	Mack, Ill.	Thompson, Tex.
Dorn, S. C.	Mack, Wash.	Thornberry
Dowdy	Mahon	Tuck
Durham	Martin	Utt
Fenton	Matthews	Van Zandt
Fino	Morrow	Vursell
Flood	Michel	Watts
Flynt	Mills	Widnall
Forrester	Marshall	Wigglesworth
Frazier	Moore	Williams, Miss.
Frelinghuysen	Moss	Wilson, Ind.
Friedel	Moulder	Winstead
Fulton	Multer	Wolverton
Gary	Mumma	Younger
Gathings	Murray	The Speaker
Grant	Neal	
Griffin	Nicholson	

NAYS—176

Abernethy	Dorn, N. Y.	Lanham
Addonizio	Dwyer	LeCompte
Alexander	Edmondson	Lesinski
Andersen,	Elliott	Lipscomb
H. Carl	Engle	McCarthy
Anderson,	Evins	McDonough
Mont.	Farbstein	McFall
Andresen,	Fascell	McGovern
August H.	Feighan	Machrowicz
Andrews	Fisher	Madden
Ashley	Fogarty	Magnuson
Ayres	Forand	Marshall
Baldwin	Ford	May
Bass, N. H.	Fountain	Meador
Bates	Granahan	Metcalf
Baumhart	Gray	Miller, Calif.
Bennett, Fla.	Green, Oreg.	Miller, Md.
Boggs	Green, Pa.	Miller, Nebr.
Boland	Griffiths	Montoya
Bolton	Gross	Morano
Boykin	Hagen	Morris
Boyle	Haley	Natcher
Breeding	Haskell	O'Brien, Ill.
Brooks, Tex.	Hays, Ark.	O'Hara, Ill.
Brown, Mo.	Heseltun	O'Konski
Broyhill	Hoeven	O'Neill
Burdick	Holfield	Patman
Burleson	Holmes	Patterson
Byrd	Holt	Pelly
Canfield	Huddleston	Perkins
Carnahan	Ikard	Pfost
Chamberlain	Jennings	Philbin
Christopher	Jonas	Poage
Chudoff	Jones, Ala.	Polk
Church	Jones, Mo.	Porter
Clark	Judd	Price
Coad	Karsten	Rabaut
Coffin	Kean	Radwan
Cretella	Keating	Ray
Cunningham,	Kee	Reuss
Nebr.	Kelley, Pa.	Rodino
Davis, Ga.	Kilday	Rogers, Fla.
Davis, Tenn.	Kilgore	Rooney
Dawson, Utah	King	Roosevelt
Delaney	Kitchin	Rutherford
Dellay	Kluczynski	Sadlak
Denton	Knox	Santangelo
Dixon	Knutson	Saund
Donohue	Lane	Schwengel

Scott, N. C.	Teller	Vorys
Seely-Brown	Tewes	Weaver
Selden	Thomas	Whitten
Shuford	Thompson, N. J.	Wier
Sieminski	Thomson, Wyo.	Willis
Sikes	Tollefson	Wilson, Calif.
Smith, Calif.	Trimble	Wright
Smith, Kans.	Udall	Yates
Sullivan	Ullman	Young
Teague, Calif.	Vanik	Zablocki
Teague, Tex.	Van Pelt	Zelenko

NOT VOTING—80

Alger	Gregory	Norblad
Anfuso	Gubser	O'Hara, Minn.
Baker	Hays, Ohio	Pillion
Barden	Hébert	Powell
Barrett	Hess	Preston
Beamer	Hiestand	Reed
Blatnik	Hillings	Riehlman
Brownson	Holland	Robison, Ky.
Buckley	Holtzman	St. George
Budge	Horan	Scherer
Byrne, Pa.	Jenkins	Scrivner
Celler	Johnson	Shelley
Chiperfield	Kelly, N. Y.	Sheppard
Clevenger	Kilburn	Siler
Collier	Kirwan	Smith, Wis.
Corbett	Krueger	Spence
Curtis, Mo.	Long	Staggers
Dawson, Ill.	Loser	Taylor
Dennison	McConnell	Vinson
Diggs	McCormack	Wainwright
Doyle	McGregor	Walter
Eberharter	McMillan	Westland
Fallon	Mailliard	Wharton
Garmatz	Mason	Whitener
Gavin	Miller, N. Y.	Williams, N. Y.
George	Morgan	Withrow
Gordon	Morrison	

The SPEAKER. There is a tie vote. If any Member asks for a recapitulation of the vote, the Chair will order a recapitulation. If there is no request for a recapitulation, the Clerk will call my name.

The Clerk called the name of Mr. RAYBURN and he answered "yea."

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Buckley for, with Mr. Hébert against.
Mr. Morrison for, with Mr. Krueger against.
Mr. Hiestand for, with Mr. Scherer against.
Mr. Garmatz for, with Mr. Hess against.
Mr. Fallon for, with Mr. Gordon against.
Mr. Anfuso for, with Mr. Dawson of Illinois against.

Mr. Taylor for, with Mrs. Kelly, of New York against.

Mr. Collier for, with Mr. Alger against.

Mr. Hillings for, with Mr. Holtzman against.

Mr. Long for, with Mr. Kirwan against.

Mr. Sheppard for, with Mr. Hays of Ohio against.

Mr. Shelley for, with Mr. Barrett against.
Mr. McConnell for, with Mr. Byrne of Pennsylvania against.

Mr. Celler for, with Mr. Staggers against.

Mr. Baker for, with Mr. Blatnik against.

Mr. Powell for, with Mr. Doyle against.

Until further notice:

Mr. Walter with Mr. McGregor.

Mr. Gregory with Mr. Robison of Kentucky.

Mr. Barden with Mrs. St. George.

Mr. Vinson with Mr. Slier.

Mr. Preston with Mr. Jenkins.

Mr. Morgan with Mr. Dennison.

Mr. McMillan with Mr. Mailliard.

Mr. Loser with Mr. Brownson.

Mr. Whitener with Mr. Norblad.

Mr. Spence with Mr. Gavin.

Mr. Diggs with Mr. O'Hara of Minnesota.

Mr. Holland with Mr. Smith of Wisconsin.

Messrs. ADDONIZIO, ENGLE, EVINS, WILLIS, and DELLAY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.
A motion to reconsider was laid on the table.

PROGRAM FOR AUGUST 15

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to get the program for tomorrow.

The SPEAKER. Without objection, the gentleman may proceed.

There was no objection.

Mr. MARTIN. Will the acting majority leader tell us what the schedule is for tomorrow?

Mr. ALBERT. I am glad to advise the distinguished minority leader of the situation. The program previously scheduled has been completed with the passage of the freight forwarders bill.

For tomorrow and the remainder of the week the House will consider the mutual security appropriation bill, and following that the atomic energy appropriation bill.

Mr. MARTIN. I understand that the mutual security bill will be the first business on the program for tomorrow.

Mr. ALBERT. The gentleman is correct. We will proceed with that bill until it is completed.

COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS

Mr. WATTS, from the Committee on Agriculture, submitted the following conference report on the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products:

CONFERENCE REPORT (H. REPT. No. 1170)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Poultry Products Inspection Act.'"

"LEGISLATIVE FINDING

"SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome and adulterated poultry products in the channels of interstate or foreign commerce, are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this Act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all

poultry and poultry products processed or handled in the same establishment.

"The great volume of poultry products required as an article of food for the inhabitants of large centers of population may directly affect the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce should be designated by the Secretary pursuant to the provisions of this Act.

"DECLARATION OF POLICY

"SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome, adulterated, or otherwise unfit for human food.

"DEFINITIONS

"SEC. 4. For purposes of this Act—

"(a) The term 'commerce' means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

"(b) The term 'Secretary' means the Secretary of Agriculture.

"(c) The term 'person' means any individual, partnership, corporation, association, or any other business unit.

"(d) The term 'poultry' means any live or slaughtered domesticated bird.

"(e) The term 'poultry product' means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

"(f) The term 'wholesome' means sound, healthful, clean, and otherwise fit for human food.

"(g) The term 'unwholesome' means:

"(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

"(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

"(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

"(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

"(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

"(h) The term 'adulterated' shall apply to poultry and poultry products under one or more of the following circumstances:

"(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

"(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manu-

facturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided*, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

"(3) If any substance has been substituted, wholly or in part, therefor.

"(4) If damage or inferiority has been concealed in any manner.

"(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

"(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"(1) The term 'inspector' means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State agency.

"(j) The term 'official inspection mark' means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

"(k) The term 'inspection service' means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

"(l) The terms 'container' or 'package' include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

"(m) The term 'official establishment' means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

"(n) The term 'label' means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, of the poultry product, or accompanying such product.

"(o) The term 'shipping container' means any container used or intended for use in packaging the product packed in an immediate container.

"(p) The term 'immediate container' includes any consumer package; or any other container in which poultry carcasses or poultry products, not consumer packaged, are packed.

"DESIGNATION

"SEC. 5. Upon application by any appropriate State or local official or agency of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this Act for such area to be subject to the provisions of this Act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this Act, he shall by order designate such area and prescribe the provisions of this Act which shall be applicable thereto and grant such exemptions

therefrom as he determines practicable. Such designation shall not become effective until six months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this Act.

"ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND QUARANTINE

"SEC. 6. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

"(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

"(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, and products shall be destroyed for human food purposes under the supervision of an inspector.

"SANITATION, FACILITIES, AND PRACTICES

"SEC. 7. (a) Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated major consuming area, of poultry products which are unwholesome or adulterated.

"(b) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

"LABELING

"SEC. 8. (a) Each shipping container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly

legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed. The Secretary may permit reasonable variations and grant exemptions from the foregoing labeling requirements in any manner not in conflict with the purposes of this Act.

"(b) The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this Act or the container thereof which is false or misleading in any particular is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this Act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within thirty days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

"PROHIBITED ACTS

"SEC. 9. The following acts or the causing thereof are hereby prohibited:

"(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this Act.

"(b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this Act.

"(c) Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, used in connection with the inspection of poultry or poultry products under this Act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or

issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this Act when such poultry or poultry product has in fact not been so inspected.

"(d) Using in commerce, or in a designated major consuming area, a false or misleading label on any poultry product.

"(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

"(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated major consuming area, upon presentation of appropriate credentials.

"(g) The refusal to permit access to and the copying of any record as authorized by section 11 of this Act.

"(h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under the authority of this Act, concerning any matter which as a trade secret is entitled to protection.

"(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this Act), in commerce or from an official establishment or in a designated major consuming area, except as may be authorized by, and pursuant to rules and regulations prescribed by the Secretary.

"COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

"SEC. 10. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated major consuming area shall process any poultry or poultry product except in compliance with the requirements of this Act.

"RECORDS OF INTERSTATE SHIPMENT

"SEC. 11. For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for a period of two years after the transaction, which is the subject of such record, has taken place.

"PENALTIES

"SEC. 12. (a) Any person who violates the provisions of sections 9, 10, 11, or 17, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than six months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than one year, or a fine of not more than \$5,000, or both such imprisonment and

fine; but if such violation is committed after two or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than two years, or a fine of not more than \$10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

"(b) No carrier shall be subject to the penalties of this Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this Act or were not otherwise eligible for transportation under this Act.

"REPORTING OF VIOLATIONS

"SEC. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

"REGULATIONS

"SEC. 14. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this Act.

"EXEMPTIONS

"SEC. 15. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, except from specific provisions of this Act—

"(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers only; *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;

"(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

"(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however*, That no such exemption shall continue in effect on and after July 1, 1960; and

"(4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary de-

termines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act.

"(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

"VIOLATIONS BY EXEMPTED PERSONS

"SEC. 16. Any person who sells, delivers, transports or offers for sale or transportation in commerce or in a designated major consuming area any poultry or poultry products which are exempt under section 15, and which are unwholesome or adulterated and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

"IMPORTS

"SEC. 17. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this Act. All imported, slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution for such Acts.

"(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

"(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

"GENERAL PROVISIONS

"SEC. 18. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this Act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

"(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

"COST OF INSPECTION

"SEC. 19. The cost of inspection rendered under the requirements of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in establishments subject to the

provisions of this Act at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"APPROPRIATIONS

"SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

"SEPARABILITY OF PROVISIONS

"SEC. 21. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

"EFFECTIVE DATE

"SEC. 22. This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made."

And the House agree to the same.

HAROLD D. COOLEY,
GEORGE M. GRANT,
JOHN C. WATTS,
CLARK W. THOMPSON,
WILLIAM S. HILL,
CHARLES B. HOEVEN,
CLIFFORD G. MCINTIRE,

Managers on the Part of the House.

ALLEN J. ELLENDER,
HUBERT H. HUMPHREY,
HERMAN E. TALMADGE,
GEORGE D. AIKEN,
JOHN J. WILLIAMS,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and substituted the language of H. R. 6814 as passed by the House on July 9, 1957. The bill reported herewith is a substitute for the House amendment which has been agreed upon by the conferees. Except for changes of a clarifying or technical nature, following are the differences between the House amendment and the committee substitute.

SECTION 5

This section follows substantially the House language but has been modified to include a provision of the Senate bill which provides that application for a hearing by the Secretary may be made by an appropriate State official, as well as by those persons designated in the House amendment. As recommended by the conferees, the section now provides that three classes of persons may make application to the Secretary for

designation of an area as a "major consuming area." These are: (1) Any appropriate State official representing a substantial portion of such area; (2) Any appropriate local official or agency of a substantial portion of such area; or (3) An appropriate local poultry industry group in such area.

The committee of conference reemphasizes the fact that this provision as reported by the conferees provides that the public hearing contemplated is a quasi-legislative hearing and the facts or opinions submitted thereat may be supplemented by investigations by the Secretary to aid in his determination as to whether a designation of an area should be made. Such hearing and investigation are to develop not only information as to the volume of poultry marketed in a major consuming area, but all other facts which would bear upon the question as to whether the designation of such an area will tend to effectuate the purposes of the Act.

SECTION 6

Section 6 is substantially the House language. Subsection (b) was amended to make it clear that reinspection, quarantine, and segregation of poultry may take place at any time and need not be done when the plant is in operation.

In connection with post mortem inspection, the Committee of Conference in adopting the House language reiterates the interpretation of the language as contained in the House report that "the Secretary * * * shall at all times provide sufficient inspectors and employ such procedures as will not slow down processing operations in the plants being inspected."

SECTION 7

The committee of conference has followed the House language in section 7 and in doing so points out that there is no authority in this bill for the Secretary to withdraw inspection from all of the plants operated by a company if he finds that only one or more of such plants are not complying with regulations. Inspection is on a plant-by-plant basis and may be withdrawn only from the particular establishment "whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section."

SECTION 8

Subsection (a) was identical in both the House and Senate versions except that the Senate bill contained authority for the Secretary to permit reasonable variations and grant exemptions from the labeling requirements in any manner not in conflict with the Federal Food, Drug, and Cosmetic Act. The conference substitute permits exemptions but requires only that they shall not be in conflict with the purposes of this Act.

Subsection (b) was identical in both bills except that the Senate bill used the words "in any particular" in connection with labeling which is "false or misleading." The conferees have adopted the Senate language in this case as being more nearly in conformity with other similar statutes.

SECTION 9

Section 9 is identical with the language of the House amendment except that a modification has been made in subsection (1) to permit the Secretary to grant some extension of time to processors of "New York dressed" poultry to comply with the provisions of the Act. The effective date of the Act with respect to its compulsory features is January 1, 1959. In view of the time which has elapsed since introduction and committee consideration of the bills the conference committee felt that some extension of this time might be needed by some processors of "New York dressed" poultry to permit the changeover of their plant and operations to the processing of eviscerated poultry. The amendment to the House

language will permit the Secretary to grant such extension "pursuant to rules and regulations prescribed" by him. It is, however, the intent of the bill that the prohibition against "New York dressed" poultry be made fully effective as soon as practicable.

SECTION 13

The committee of conference has adopted the House language in Section 13 and in doing so points out that it is the intention of the committee that subsection (b) of this section should apply to public warehousemen who handle poultry products in the course of their movement from processor to consumer on the same terms as it will apply to a carrier. A public warehouseman is in precisely the same position as a carrier except that instead of transporting he stores goods for the general public for hire. It is the opinion of the committee of conference, therefore, that public warehousemen should be treated by the Secretary in exactly the same manner as carriers in enforcing the provisions of this Act.

SECTION 17

The House language required knowledge as an element of guilt under this section with respect to a person who sells unwholesome or adulterated poultry under one of the exemptions of the Act. The Senate bill did not require knowledge in this respect and the conference bill follows the Senate language.

SECTION 20

The conference bill follows substantially the wording of the House amendment with the addition of language to make it clear that the rates of overtime and holiday pay to be charged processing establishments may be established at a reasonable uniform rate instead of being figured on an individual basis. The holidays to be counted with respect to Federal employees are those which apply to Federal civil-service employees, either by law or by Executive or administrative order. Holidays to be counted with respect to State employees will be those legally observed by employees of that State.

SECTION 24

The Senate bill contained no provision similar to section 24 of the House amendment. In view of adoption by the conference committee of the House language in section 19, providing that "the jurisdiction of the Secretary within the scope of this Act shall be exclusive," the Committee felt that section 24 would neither add to nor detract from the legal effect of the rest of the bill but might be confusing. It therefore did not include this section in the conference bill.

HAROLD D. COOLEY,
GEORGE M. GRANT,
JOHN C. WATTS,
CLARK W. THOMPSON,
WILLIAM S. HILL,
CHARLES B. HOEVEN,
CLIFFORD G. MCINTIRE,

Managers on the Part of the House.

PERMISSION TO FILE CONFERENCE REPORT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a conference report on the bill S. 939, to amend section 22 of the Interstate Commerce Act, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The conference report and statement follow:

CONFERENCE REPORT (H. REPT. NO. 1171)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That section 22 of the Interstate Commerce Act, as amended (49 U. S. C., sec. 22), is amended as follows:

"(a) By inserting '(1)' immediately after 'SEC. 22'.

"(b) By inserting at the end of such section the following:

"(2) All quotations or tenders of rates, fares or charges under paragraph (1) of this section for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates for the United States Government, or any agency or department thereof, including quotations or tenders for retroactive application whether negotiated or renegotiated after the services have been performed, shall be in writing or confirmed in writing and a copy or copies thereof shall be submitted to the Commission by the carrier or carriers offering such tenders or quotations in the manner specified by the Commission and only upon the submittal of such a quotation or tender made pursuant to an agreement approved by the Commission under section 5a of this Act shall the provisions of paragraph (9) of said section 5a apply, but said provisions shall continue to apply as to any agreement so approved by the Commission under which any such quotation or tender (a) was made prior to the effective date of this paragraph or (b) is hereafter made and for security reasons, as hereinafter provided, is not submitted to the Commission: *Provided*, That nothing in this paragraph shall affect any liability or cause of action which may have accrued prior to the date on which this paragraph takes effect. Submittal of such quotations or tenders to the Commission shall be made concurrently with submittal to the United States Government, or any agency or department thereof, for whose account the quotations or tenders are offered or for whom the proposed services are to be rendered. Such quotations or tenders shall be preserved by the Commission for public inspection. The provisions of this paragraph requiring submissions to the Commission shall not apply to any quotation or tender which, as indicated by the United States Government, or any agency or department thereof, to any carrier or carriers, involves information the disclosure of which would endanger the national security."

And the House agree to the same.

OREN HARRIS,
KENNETH ROBERTS,
WALTER ROGERS,
SAMUEL FRIEDEL,
CHAS. A. WOLVERTON,
JOSEPH P. O'HARA,
ROBERT HALE,

Managers on the Part of the House.

GEO. A. SMATHERS,
FRANK J. BAUSCHE,
ANDREW F. SCHOEPEL,
W. A. PURTELL,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, submit the following statement

in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Section 22 of the Interstate Commerce Act contains various provisions specifying the cases in which carriers may transport, store, or handle property, or transport persons, service free or at reduced rates. While the section is contained in part I of the act, which applies to carriers by railroad, it applies also to common carriers by motor vehicle, common carriers by water, and (as to transportation of property) to freight forwarders.

This legislation deals only with the rendering of such services free or at reduced rates for the Government of the United States.

Two substantially identical bills, S. 939 and H. R. 3233, were introduced in this session of the Congress to carry out a recommendation of the Interstate Commerce Commission. The principal purpose of these bills was to amend section 22 of the Interstate Commerce Act so as to limit the granting of free or reduced rates to the United States, or to State or municipal governments, to any time of war or national emergency, as declared by Congress or the President.

S. 939 was reported to the Senate and H. R. 3233 was reported to the House. As reported, S. 939 was amended so that no change would have been made in section 22 except to add thereto a new paragraph, set forth below. H. R. 3233 was reported with an amendment striking out all after the enacting clause and inserting a substitute which is explained below. S. 939 passed the Senate on June 12, 1957.

The bill as passed by the Senate made no change in section 22 except to designate the present provisions of section 22 as paragraph (1) and add a new paragraph, as follows:

"(2) All quotations or tenders under paragraph (1) of this section for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates for the United States Government, or any agency or department thereof including quotations for retroactive application whether negotiated or renegotiated after the services have been performed, shall be in writing or confirmed in writing and a copy or copies thereof shall be submitted to the Commission by the carrier or carriers offering such tenders or quotations in the manner specified by the Commission. Submittal of such quotations or tenders to the Commission shall be made concurrently with submittal to the United States Government, or any agency or department thereof, for whose account the quotations or tenders are offered or for whom the proposed services are to be rendered. Such quotations or tenders shall be preserved by the Commission for public inspection. The provisions of this paragraph shall not apply to any quotation or tender which, as indicated by the United States Government, or any agency or department thereof, to any carrier or carriers, involves information the disclosure of which would endanger the national security."

The House struck out all after the enacting clause of the Senate bill and inserted a substitute text.

The House substitute was the same as the Senate bill except as follows:

(1) It inserted a provision (par. (b) of the house substitute) amending section 22 of the Interstate Commerce Act so as to provide that the section would no longer apply in the case of the carriage, storage, or handling for the United States Government of "household goods" as defined by the Interstate Commerce Commission in Practices of Motor Common Carriers of Household Goods (17 M. C. C. 467) by duly authorized motor common carriers of household goods. This provision of the House amendment is omitted from the substitute agreed to by the conferees. The Senate conferees were not willing to include this provision in the conference agreement. Their feeling is that be-

fore any change is made in the present provisions of section 22 a broad inquiry should be made into the basic questions involved in the performance of transportation services for the Government at rates less than regular published rates.

(2) It modified the proposed new paragraph (2) of section 22 of the Interstate Commerce Act, as passed by the Senate, by inserting at the end of the first sentence of such paragraph the following language: "and only upon the submittal of such a quotation or tender made pursuant to an agreement approved by the Commission under section 5a of this Act shall the provisions of paragraph (9) of said section 5a apply, but said provisions shall continue to apply as to any agreement so approved by the Commission under which any such quotation or tender (a) was made prior to the effective date of this paragraph or (b) is hereafter made and for security reasons, as hereinafter provided, is not submitted to the Commission: *Provided*, That nothing in this paragraph shall affect any liability or cause of action which may have accrued prior to the date on which this paragraph takes effect."

The proposed new paragraph (2) as modified by the House substitute is contained in the substitute agreed to in conference.

The above-quoted language which the House added to the proposed new paragraph (2) of section 22 is intended to clarify a matter which developed after the House Committee on Interstate and Foreign Commerce had reported a bill on this subject (H. R. 3233) to the House on July 1. On July 5 Judge Joseph C. McGarraghy, of the United States District Court for the District of Columbia, rendered a memorandum opinion in the case of *Aircoach Transport Association, Inc., et al. v. Atchison, Topeka, and Santa Fe Railway Co., et al.*, holding that section 5a of the Interstate Commerce Act (commonly known as the Reed-Bulwinkle amendment) does not apply with respect to carrier agreements relating to rates established under section 22 for transportation services to the Government of the United States. This decision was most unexpected, as it had been assumed by the carriers since the enactment of the Reed-Bulwinkle amendment in 1948 that it applied to section 22 rates in the same manner that it applies to other rates. Furthermore, it is the opinion of those Members of the House who were serving on the House Committee on Interstate and Foreign Commerce at the time the Reed-Bulwinkle amendment was passed that the intention of Congress at the time was in accord with the view taken by the rail carriers.

Briefly, the Reed-Bulwinkle amendment provides that any carrier which is a party to an agreement between two or more carriers, which relates to "rates, fares, classifications, divisions, allowances, or charges . . . or rules and regulations pertaining thereto, or procedures for the joint consideration, initiation or establishment thereof" may apply to the Commission for approval of the agreement. The Commission must approve the agreement if it finds that by reason of furtherance of the national transportation policy declared in the Interstate Act the carriers involved should be relieved from the operation of the antitrust laws with respect to the making and carrying out of the agreement. Paragraph (9) of the Reed-Bulwinkle amendment provides that the carriers shall be so relieved from the operation of the antitrust laws upon Commission approval of the agreement.

After the House committee reported the bill and before it could be acted upon by the House, the Department of Defense approached the House committee urging that it accept as a floor amendment to the bill language intended to carry out the purpose expressed in the amendment which the House made to the new paragraph (2), described above. In urging this amendment the Department of Defense stated that the effect

of the above decision would be that unless the Reed-Bulwinkle amendment is clearly applicable to section 22 rates a chaotic situation may well exist with respect to the rendering of transportation services to the United States Government under reduced rates as authorized by section 22. The Department represented that if the carriers are restrained from acting in concert in any manner in the establishment of section 22 rates, either (1) the carriers would refrain in the future from making section 22 quotations to the Department and thus in effect repeal section 22, with a consequent increased cost to the military of over \$100 million annually, or (2) individual carriers might continue to make individual quotations but under circumstances under which cutthroat competition would be inevitable.

Therefore, the language which the House added to the proposed paragraph (2) of section 22 was intended to make it clear that the Reed-Bulwinkle amendment applies in the case of section 22 rates.

However, it is the understanding of the conference, in accepting the language which the House added to S. 939 as to the applicability of the Reed-Bulwinkle amendment to section 22 rates, that nothing therein adopted and agreed to herein would vitiate or in any way affect the order of the court in the Air Coach case or similar litigation now pending. It is the intention of your conferees that no liability or cause of action previously accrued will be affected by this bill. The Chairman of the House Committee on Interstate and Foreign Commerce, who was in charge of the bill during its consideration in the House, gave his assurance to this effect, and it is the purpose of your conferees to emphasize this understanding. The following amendment which was adopted by the House and agreed to by the conferees of the Senate makes this clear beyond doubt: "*Provided*, That nothing in this paragraph shall affect any liability or cause of action which may have accrued prior to the date on which this paragraph takes effect."

It has been called to our attention that under existing law there may be some discrimination against air carriers in their ability to bid for Government traffic. Although air carriers may (under secs. 412 and 414 of the Civil Aeronautics Act of 1938) enter into agreements and be granted antitrust law relief in connection therewith, no specific authority is contained in that act to permit air carriers to render services to the United States Government free or at reduced rates. Section 416 (b) of that act, however, presently authorizes the Civil Aeronautics Board, under certain conditions, to exempt any air carrier from any provision of the act, and under this section the Civil Aeronautics Board has exempted certain air carriers from the normal regulations applicable to the movement of traffic at published tariffs where such carriers have had, and were operating under, contracts with the military departments. While that provision may now contain sufficient authority with respect to the rendering of transportation services by air carriers to the Government at reduced rates, the question whether the Civil Aeronautics Act of 1938 should be amended to provide language comparable to that of section 22 is a matter which would be proper for consideration by the respective legislative committees of both Houses, along with the various proposals which have been made for modification of existing law in relation to the rendering of transportation services to the Government at reduced rates.

OREN HARRIS,
KENNETH ROBERTS,
WALTER ROGERS,
SAMUEL FRIEDEL,
CHAS. A. VOLVERTON,
JOSEPH P. O'HARA,
ROBERT HALE,

Managers on the Part of the House.

Aug. 16, 1957

"The House amendment struck out all after the enacting clause of the Senate bill and substituted the language of H.R. 8456 as passed by the House on August 2, 1957. The bill reported herewith is a substitute for the House amendment which has been agreed upon by the conferees. It differs in only two substantial respects from the House amendment."

PRODUCTION OF WHEAT ON EXCESS ACREAGE

"The House amendment provided that no wheat produced from any acreage in excess of acreage allotments should be considered in determining the supply of wheat for purposes of future acreage allotments and marketing quotas or in determining the level of price support. The committee amendment provides that wheat grown on acreage in excess of acreage allotments (including that produced in noncommercial wheat States where there are no farm allotments) will be counted for such purposes except for the estimated quantity of wheat which is produced on farms taking advantage of the feed exemption provided by this bill."

COUNTING OF EXCESS ACREAGE FOR HISTORY PURPOSES

"The House amendment provided that no acreage planted in excess of acreage allotments would be counted for history purposes in establishing future State, county, and farm acreage allotments. Because of the House action striking section 3 out of the bill, a change was necessary in this provision in order to leave the noncommercial wheat States in the same position they now occupy. The committee amendment leaves the law with respect to the noncommercial wheat area unchanged and provides that acreage planted to wheat in that area will continue to be counted as history for future acreage allotment purposes."

"Both these amendments were recommended by the Department of Agriculture in its reports to the chairman of the House and Senate conferees on the bill."

12. POULTRY INSPECTION. Agreed to, and sent to the Senate, the conference report on S. 1747, to provide for the compulsory inspection by this Department of poultry and poultry products. pp. 13738-39
13. FORESTRY. The Agriculture Committee reported with amendment H.R. 7900, to authorize the Secretary to sell certain Title III Bankhead-Jones lands in Mich. to private individuals (H. Rept. 1187). p. 13757
14. INFORMATION. The Judiciary Committee ordered reported H.J.Res. 313, designating the week of Nov. 22-28, 1957, as National Farm-City Week. p. D792
Rep. Hoffman criticized the withholding of Government information from Congress and the public. pp. 13746-50
15. FEDERAL-STATE RELATIONSHIPS. A subcommittee of the Judiciary Committee ordered reported to the full committee without recommendation H.R. 3, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws. p. D792
16. PERSONNEL. The Post Office and Civil Service Committee ordered reported with amendment H.R. 607, to increase the annuities payable to retired employees from the civil service retirement fund. p. D793

17. MILITARY CONSTRUCTION. The conferees agreed to file a conference report on H.R. 8240, to authorize certain construction at military installations, including the use of foreign currencies acquired under Public Law 480 for the construction of military family housing units in foreign countries. p. D793
18. UNEMPLOYMENT COMPENSATION. Passed without amendment H.R. 8888, to extend the unemployment compensation program to employees of non-wholly owned Federal instrumentalities of the U.S. pp. 13737-38
19. WATER UTILIZATION. Both Houses received from the Bear River Compact Commission a report relative to negotiations between Ida., Utah, and Wyo. with respect to the waters of the Bear River and its tributaries. pp. 13645, 13757
20. INSECT CONTROL. The Judiciary Committee reported with amendment on Aug. 14, S. 1805, to provide relief for persons and firms for the direct expenses incurred by them for fumigation of premises in the control and eradication of the khapra beetle (H. Rept. 1140). p. 13494
21. LEGISLATIVE PROGRAM. Rep. Albert announced the following legislative program: Mon., Aug. 19, the Consent Calendar, to be followed by consideration of these bills under suspension of the rules: H.R. 9020, transfer of Packers and Stockyards work to FTC, H.R. 375, to prohibit trading in onion futures, H.R. 5497, recreationsl and fish and wildlife development under the Watershed Protection and Flood Prevention Act, S. 939, the conference report relative to Government transportation services at free or reduced rates, H.R. 5384, relative to preserving competitive through transportation rates for rail carriers; Tues., the AEC appropriation bill; Wed., a resolution for consideration of H.R. 6127, the civil rights bill, if reported by the Rules Committee by that time. pp. 13740, 13744
22. ADJOURNED until Mon., Aug. 19. p. 13757

ITEMS IN APPENDIX

23. PERSONNEL. Sen. Mansfield inserted W. P. McCahill's, Secretary, President's Committee on Employment of the Physically Handicapped, recent address, "Employment in Professions and Industries." pp. A6735-6
24. INDUSTRIAL USES. Rep. Avery inserted a statement describing the organization of the Commission on Increased Industrial Use of Agricultural Products, and pointing out certain recommendations concerned with the financing and administration of the program. pp. A6737-40
25. DROUGHT RELIEF. Extension of remarks of Sen. Yarborough inserting an article, "Drought Again Rears Ugly Head in Southwest Areas," and stating that "these signs underscore the urgency for helping the stricken farmers in the stricken areas." p. A6741
Rep. May inserted an editorial, "The Drought, The Surplus, and Foreign Assistance." p. A6753
26. HOG PRICES. Extension of remarks of Rep. Jensen stating that "farmers hold the key to future hog prices," and inserting a table showing pig crop and average farm price at point of first sale from 1940 to 1957. p. A6742
Extension of remarks of Rep. Laird stating that "agricultural research has shown hog producers how to meet consumer demand for lean pork and to cut the fat surplus at the same time." pp. A6769-70

certs" and inserting in lieu thereof "musical performances" and (2) by striking out the heading of such paragraph and inserting in lieu thereof "Certain musical performances.—".

SEC. 2. The amendment made by the first section of this act shall apply only with respect to amounts paid for admissions on or after the first day of the first month which begins more than 10 days after the date of the enactment of this act.

With the following committee amendment:

Page 1, line 6, after the word "out" insert the following: "'Certain concerts.—' in."

The committee amendment was agreed to.

(Mr. KARSTEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KARSTEN. Mr. Speaker, under the existing law, an exemption is provided from the excise tax on admissions for concerts conducted by nonprofit civic or community membership associations. In the past, the interpretation of the word "concert" extended to musical productions sponsored by civic organizations such as the St. Louis Municipal Opera Association. The St. Louis Municipal Opera Association, like many other civic organizations over the country, every summer sponsors musical productions of various kinds, such as operas, operettas, symphonies, orchestras, bands, and vocal groups. Many of the productions have the characteristics of operas, operettas, and musical comedies. That portion of the performances which the Bureau of Internal Revenue decides are musical comedies would be subject to admissions tax if this legislation is not passed.

To illustrate, the operetta *Naughty Marietta* would be completely exempt from the excise tax if it were performed by a nonprofit civic organization. However, if the same civic organization should sponsor a production, such as *South Pacific* it would be almost impossible to determine what part of the production should be taxed. Such a production, of course, contains the elements of an operatic performance, some of the elements of a musical comedy, and also drama.

The gentleman from Missouri [Mr. CURTIS] and I have sponsored legislation to provide for the exemption for these performances which has always been granted in the past. It will not result in any revenue loss and the legislation has the favorable report of the Department of the Treasury.

It is my hope the bill can be promptly acted upon in order to remove the tax crisis faced by the St. Louis Municipal Opera, as well as other similar civic organizations in many cities in the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COOPER. Mr. Speaker, an exemption is presently provided from the Federal excise tax on admissions for "concerts" conducted by nonprofit civic or community membership organizations if no part of the net earnings derived from the concerts inure to the

benefit of stockholders or members of the association. It has been assumed that this exemption applied to all of the musical performances conducted by community membership associations, with the result that tickets have been sold without collection of the admissions tax.

In administering the admissions taxes, the Internal Revenue Service has recently held that the term "concerts" does not include musical comedies or reviews, with the result that such performances, when conducted by otherwise exempt organizations, are subject to the admissions tax. The Internal Revenue Service's interpretation has resulted in the anomalous situation wherein light operas are treated as "concerts," and musical comedy performances as dramatic presentations subject to the tax. By substituting the term "musical performances" for the word "concerts," H. R. 8794 will provide a more certain basis for administration.

H. R. 8794 was reported unanimously by the Committee on Ways and Means.

Mr. REED. Mr. Speaker, this legislation would amend the existing law exemption from the excise tax on admissions as is presently available with respect to concerts conducted by nonprofit, civic, or community membership associations so that the exemption would be available with respect to musical performances conducted by such associations. There presently exists confusion as to what constitutes an exempt performance and this legislation would remove that uncertainty. The legislation was unanimously reported favorably by the Committee on Ways and Means.

EXTENSION OF UNEMPLOYMENT COMPENSATION PROGRAM

Mr. COOPER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 8888 to extend the unemployment compensation program, introduced by the gentleman from New Jersey [Mr. KEAN]. This bill was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. EDMONDSON. Reserving the right to object, Mr. Speaker, and I shall not object, I take this time to ask the gentleman from Tennessee, Chairman of the Committee on Ways and Means, if he can give those of us who have appeared before his committee recently in hearings which have been concluded on the subject of vitally needed legislation on lead and zinc some assurance of when we might expect some action from the Committee on Ways and Means on that legislation.

Mr. COOPER. I am sorry, I am not in a position to give the gentleman any definite statement at this time. The matter is under consideration in the committee.

Mr. EDMONDSON. May I ask the chairman if he has any plans to call the committee into session on the bill which is before the committee?

Mr. COOPER. I am sorry, I cannot give the gentleman any further statement just at this time.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.—

SHORT TITLE

SECTION 1. This act may be cited as the "Unemployment Compensation Amendments of 1957."

FEDERAL INSTRUMENTALITIES

SEC. 2. (a) Section 3305 (b) of the Internal Revenue Code of 1954 is amended to read as follows:

"(b) Federal instrumentalities in general. The legislature of any State may require any instrumentality of the United States (other than an instrumentality to which section 3306 (c) (5) applies, and the individuals in its employ, to make contributions to an unemployment fund under a State unemployment compensation law approved by the Secretary of Labor under section 3304 and (except as provided in section 5240 of the Revised Statutes, as amended (12 U. S. C. 484), and as modified by subsection (c)), to comply otherwise with such law. The permission granted in this subsection shall apply (A) only to the extent that no discrimination is made against such instrumentality, so that if the rate of contribution is uniform upon all other persons subject to such law on account of having individuals in their employ, and upon all employees of such persons, respectively, the contributions required of such instrumentality or the individuals in its employ shall not be at a greater rate than is required of such other persons and such employees, and if the rates are determined separately for different persons or classes of persons having individuals in their employ or for different classes of employees, the determination shall be based solely upon unemployment experience and other factors bearing a direct relation to unemployment risk; (B) only if such State law makes provision for the refund of any contributions required under such law from an instrumentality of the United States or its employees for any year in the event said State is not certified by the Secretary of Labor under section 3304 with respect to such year; and (C) only if such State law makes provision for the payment of unemployment compensation to any employee of any such instrumentality of the United States in the same amount, on the same terms, and subject to the same conditions as unemployment compensation is payable to employees of other employers under the States unemployment compensation law."

(b) The third sentence of section 3305 (g) of such code is amended by striking out "not wholly" and inserting in lieu thereof "neither wholly nor partially."

(c) Paragraph (6) of section 3306 (c) of such code is amended to read as follows:

"(6) service performed in the employ of the United States Government or of an instrumentality of the United States which is—

"(A) wholly or partially owned by the United States, or

"(B) exempt by virtue of a provision of law which grants a specific exemption by reference to section 3301 (or the corresponding section of prior law) from the tax imposed by such section;"

(d) (1) Chapter 23 of such code is amended by renumbering section 3308 as section 3309 and by inserting after section 3308 the following new section:

"Sec. 3308. Instrumentalities of the United States.

"Notwithstanding any other provision of law (whether enacted before or after the

enactment of this section) which grants to any instrumentality of the United States an exemption from taxation, such instrumentality shall not be exempt from the tax imposed by section 3301 unless such other provision of law grants a specific exemption, by reference to section 3301 (or the corresponding section of prior law), from the tax imposed by such section."

(2) The table of sections for such chapter is amended by striking out the last line and inserting in lieu thereof the following:

"Sec. 3308. Instrumentalities of the United States.

"Sec. 3309. Short title."

(e) The first sentence of section 1501 (a) of the Social Security Act is amended by striking out "wholly" and inserting in lieu thereof "wholly or partially."

(f) The first sentence of section 1507 (a) of the Social Security Act is amended by striking out "wholly" and inserting in lieu thereof "wholly or partially."

AMERICAN AIRCRAFT

SEC. 3. (a) So much of section 3306 (c) of the Internal Revenue Code of 1954 as precedes paragraph (1) thereof is amended by striking out "or (B) on or in connection with an American vessel" and all that follows down through the phrase "outside the United States," and by inserting in lieu thereof the following: "or (B) on or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, if the employee is employed on and in connection with such vessel or aircraft when outside the United States."

(b) Paragraph (4) of section 3306 (c) of such code is amended to read as follows:

"(4) service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft by an employee, if the employee is employed on and in connection with such vessel or aircraft when outside the United States;"

(c) Section 3306 (m) of such code is amended—

(1) by striking out the heading and inserting in lieu thereof the following:

"(m) American vessel and aircraft.—"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "and the term 'American aircraft' means an aircraft registered under the laws of the United States."

FEEDER ORGANIZATIONS, ETC.

SEC. 4. Paragraph (8) of section 3306 (c) of the Internal Revenue Code of 1954 is amended to read as follows:

"(8) service performed in the employ of a religious, charitable, educational, or other organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a)."

EFFECTIVE DATE

SEC. 5. The amendments made by this act (other than the amendments made by subsections (e) and (f) of sec. 2) shall apply only to service performed after December 31, 1958. The amendments made by subsections (e) and (f) of section 2 shall apply with respect to unemployment after December 31, 1958.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COOPER. Mr. Speaker, H. R. 8888 extends the protection of the unemployment insurance system to certain groups of workers to whom this protection is not now available.

The bill broadens the coverage of the system by extending the Federal Unemployment Tax Act to the following groups of employees: (a) Approximately 30,000 workers who are employed by non-wholly owned Federal instrumentalities of the United States which are exempt from the Federal Unemployment Tax Act by reason of broad tax provisions in their charter or enabling legislation; (b) approximately 5,000 airline employees employed in overseas operations of established airlines which have extensive employment in the United States; and (c) employees of organizations operated primarily for carrying on a trade or business for profit even though all the profits are payable to certain nonprofit organizations.

Your committee's bill also broadens the coverage of the system by extending the program of unemployment compensation for Federal employees to employees of partially owned Federal instrumentalities.

The Committee on Ways and Means unanimously favorably reported this bill.

Mr. REED. Mr. Speaker, this legislation relates to the unemployment compensation program and generally provides an extension of coverage under the system.

H. R. 8888 would broaden unemployment insurance coverage by extending the Federal Unemployment Tax Act to employees of certain Federal instrumentalities which are now exempted by reason of a general tax exemption. Under existing law the only Federal instrumentalities still excluded from unemployment insurance are those which are not wholly owned by the United States and are exempt from taxes by reason of some provision in their charter or some other provision of law. An example of the type of activity that would be covered under the bill are certain activities of the Farm Credit Administration and certain Federal banking institutions.

In addition, H. R. 8888 would extend coverage to employees on American aircraft engaged in overseas operations and to employees of so-called feeder organizations.

The Committee on Ways and Means was unanimous in reporting this legislation favorably to the House.

Mr. COOPER. Mr. Speaker, I ask unanimous consent that the Clerk, in engrossing the bill H. R. 8888, be instructed to insert a closing parenthesis on page 2, line 1, after the word "applies" and before the comma.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

POULTRY PRODUCTS INSPECTION BILL

Mr. WATTS. Mr. Speaker, I call up the conference report on the bill S. 1747, to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 14, 1957.)

Mr. WATTS (during the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WATTS. Mr. Speaker, the conferees met and reached a unanimous agreement on the differences between the Senate version of this measure and the House version. As a matter of fact, the differences were mostly in the language rather than in the text of the bill. There are one or two things that I want to call attention to that are not in the report or are reflected incorrectly in the report. On page 18, section 17 should be section 16 in the statement on the part of the managers and section 20 should be section 19. The bill is substantially the House bill. In almost every instance, the Senate conceded.

The House conferees probably should have included in their statement a reference to what the committee of conference agreed should be an "appropriate" State agency to request a hearing by the Secretary of Agriculture on the designation of a city as a "major consuming area". The conference was agreed that where there is an agency charged by State law with responsibility for the inspection of poultry products that such agency should be the "appropriate" agency within the meaning of this act.

There was no substantive difference between the House and Senate language in this part of the bill, so the matter is not alluded to in the statement of managers. In the Senate report on the bill, however, it is indicated that the definition of "United States" in this act is to be the same as that in the Imported Meat Act, which is found in title 19, United States Code, section 1401 (k).

Under this definition the term "United States" includes all Territories and possessions of the United States except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, Johnston Island, and the Island of Guam.

Mr. Speaker, I have no requests for time on this side and yield to the gentleman from Colorado [Mr. HILL].

Mr. HILL. Mr. Speaker, as has been said by our colleague from Kentucky [Mr. WATTS], this is a unanimous report and we hope that it will be accepted unanimously by the House. This is important legislation to the people of America. Wholesome poultry products are an important source of the Nation's total supply of food. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people.

Mr. Speaker, I have no requests for time and yield back the balance of my time.

Mr. WATTS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDING STATUTES ADMINISTERED BY SECURITIES AND EXCHANGE COMMISSION

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include a letter.)

Mr. HARRIS. Mr. Speaker, at the request of the Securities and Exchange Commission, I have today introduced five bills, which amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. In transmitting these bills to me for introduction, the Commission states that the overall purpose of the proposed amendments is to strengthen the safeguards and protections afforded to the public by the statutes which the Commission administers and to assist the Commission in making its enforcement activities more effective.

The Securities Act of 1933, relating to the truthful disclosure of information about new security offerings, the Securities Exchange Act of 1934, relating to disclosure of information about listed securities and regulating practices in exchange and over-the-counter operations, and succeeding legislation which is administered by the Securities and Exchange Commission, represent legislation of which the House Committee on Interstate and Foreign Commerce and the Congress are justly proud. These statutes have gone a long way in the mitigation and elimination of undesirable practices in the securities field, in the restoration of confidence in the securities markets, and in the protection of the investing public.

Experience in the administration of these acts, however, naturally has given rise over the years to various suggestions as to their improvement and their workability, which obviously could not all be anticipated at the time of their original enactment. A program for revision in the light of such experience was interrupted by the war. At the instance of the House Committee on Interstate and Foreign Commerce, the Commission renewed discussions with industry relating to a revision program and has presented the result of such discussions to the committee for its consideration.

In 1954, a bill was introduced and enacted into law—Public Law 577, 83d Congress—which amended these same statutes to enable more practical and effective mechanics in the supply of capital to industry through securities distribution.

At that time, the House Committee on Interstate and Foreign Commerce stated

that, although it was fully appreciative of the suggestions which time and experience appropriately might bring as to relief in the securities-distribution process from onerous provisions not necessary for the protection of investors, the committee could not but be fully mindful of its responsibilities in the public interest and in the preservation of the investor safeguards contemplated by these statutes. The committee accordingly urged the Commission promptly to come forward with those further amendments which the Commission's experience might dictate appropriate for the strengthening of the statutes in the investor interest.

The Commission has proceeded on such program and has submitted this proposed legislation for consideration. I have been able to give their proposals only cursory examination, and am unable to determine at this time the full scope of the amendments proposed. I trust, however, that they cover those matters wherein the Commission believes, and over the years has so reported to us, strengthening of the statutes is needed to provide and preserve for the investing public the protection envisaged in the statutes when they were passed.

SECURITIES AND EXCHANGE COMMISSION

Washington, D. C., August 13, 1957.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.

DEAR MR. HARRIS: In accordance with my letter of July 2, 1957, transmitting proposed amendments to certain of the statutes administered by the Commission, I am enclosing 40 copies of a draft bill setting forth amendments which the Commission proposes to the Investment Company Act of 1940. The bill is accompanied by a proposal explaining the proposed amendments and a comparative print of the statutory sections involved reflecting the existing provisions and the proposed changes.

The Commission on January 24, 1957, circulated a draft of proposed amendments and a public conference was held on February 26, 1957, at which interested persons were heard. Thereafter further conferences were held with representatives of interested industry groups, and the comments made at the public hearing were further explored. The Commission reexamined these proposed amendments in the light of all the comments it had received, and prepared a revised draft of amendments which was circulated on June 17, 1957. Thereafter additional comments were received on the revised proposals.

The overall purpose of the proposed amendments is to strengthen the safeguards and protections afforded to the public by the statutes which the Commission administers.

The Commission believes that enactment of these proposed amendments will substantially assist it in administering the Investment Company Act of 1940. The Commission also believes that it will be in the public interest for these proposed amendments to be introduced as a bill and for the Congress to hold hearings on them at its earliest convenience.

I will be pleased to confer with you on these proposed amendments any time at your convenience.

The Bureau of the Budget advises that it has no objection to the submission of these proposed amendments.

Sincerely yours,

ANDREW DOWNEY ORRICK,
Acting Chairman.

THE LATE RALPH W. HARDY

(Mr. HARRIS asked and was given permission to address the House for 1 minute.)

Mr. HARRIS. Mr. Speaker, like so many of our colleagues and others in industry, I regretted very much to learn of the passing of Ralph W. Hardy, vice president of the Columbia Broadcasting System. To all of us who have known him, his sudden and untimely death at the early age of 41 years came as a great shock.

On the following day that I learned of his death resulting from a heart attack, the Washington Post carried an appropriate and very fine tribute in an editorial which I requested to be included in the RECORD. However, it had already been submitted by the Honorable LYNN B. JOHNSON, distinguished majority leader in the Senate, on that day. I did want, Mr. Speaker, to take an opportunity to pay a personal tribute to Ralph in expressing my deep regret for the loss of so fine, valiant, able and patriotic citizen.

We, on the Committee on Interstate and Foreign Commerce, had frequent occasion to hear Ralph Hardy testify on behalf of the radio and television industry in his capacity as vice president in charge of Government affairs of the National Association of Radio and Television Broadcasters.

Most Members of Congress probably had some contact with him in their congressional offices, as he visited from time to time in connection with legislative matters concerning this great industry. I can testify, Mr. Speaker, that I know all Members who have had association with him were deeply impressed by his honesty and sincerity, his great ability, his sense of fairness and his friendliness. True, he was an advocate for the radio and television industry and an eminently able advocate. However, at all times he was frank and extremely helpful in every possible way to the Committee, as well as individual Members of the Congress.

More recently, he became a vice president of the Columbia Broadcasting System in charge of its Washington office. No doubt, CBS knew of and appreciated the esteem in which Ralph was held, not only by Members of Congress, but elsewhere in Washington.

It is most unfortunate that his life would be snapped out at such an early age. All of us who have known him will miss him greatly and our deepest sympathy is extended to his family and business associates.

RETIREMENT BILL, H. R. 607

Mrs. PFOST. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Post Office and Civil Service be given until midnight tonight to file their report on the retirement bill, H. R. 607.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROGRAM FOR WEEK OF AUGUST 19

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to ask the acting majority leader if he can tell us what the program will be for next week.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ALBERT. I shall be glad to give the gentleman the program for next week.

Monday: The Consent Calendar will be called and the Speaker will recognize suspensions on six bills:

H. R. 5384, to amend the Interstate Commerce Act to provide for the preservation of competitive through rates for rail carriers.

H. R. 7993, to provide Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment.

H. R. 7494, to provide adequate time for the formulation and consideration of rules and regulations regarding passenger-carrying vessels.

H. R. 5497, to amend the Watershed Protection and Flood Control Act.

H. R. 8679, to extend for 1 year the impacted area school bill.

H. R. 9020, to amend the Packers and Stockyards Act to assure fair trade.

The following conference reports will also be considered on Monday:

S. 939, to amend section 22 of the Interstate Commerce Act.

H. R. 1937, the District of Columbia stadium bill.

Tuesday: The Atomic Energy Commission appropriation bill.

Wednesday: House Resolution 397, a House resolution on H. R. 6127, the Civil Rights Act of 1957, if it is reported by the Committee on Rules.

Thursday: The Private Calendar will be called.

For Friday and the remainder of the week the program is undetermined. Any further program will be announced later.

Conference reports may be brought up at any time.

ADJOURNMENT TO AUGUST 19

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTERIM AUTHORITY TO SPEAKER AND CLERK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALENDAR WEDNESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule next week may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. BURLESON. May I say that the Committee on House Administration hopes to have its final meeting on Tuesday. I hope the leadership will make it possible for the committee to present a number of bills some time next week.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. HARRIS. What would be the time regarding conference reports that are to be considered on Monday?

Mr. ALBERT. It would be after the Consent Calendar and after the suspensions.

RAILROAD RETIREMENT BENEFITS

The SPEAKER. Under the previous order of the House, the gentleman from Kentucky [Mr. PERKINS] is recognized for 5 minutes.

Mr. PERKINS. Mr. Speaker, I deeply regret to see this session of the Congress come to a close without acting on the railroad retirement legislation now pending in the Congress. This, to my way of thinking, is one of the most urgent matters awaiting the action of Congress.

During the closing days of the last session problems of jurisdiction developed in regard to the carefully considered proposal of the railroad brotherhoods which would have increased retirement benefits by 15 percent and have removed the tax on a tax which railroad workers are required to pay. Until these matters could be resolved, we reluctantly accepted a benefit boost of only 10 percent and took no action on the matter of how these liberalizations were financed. The solution of these problems was, at the same time, named as a first order of business for this session of Congress.

During the hearings in early March of this year on the resulting Harris-Wolverton bills, I appeared in support of my identical bill, H. R. 4817. At that time I said:

We know that the steady increases in the cost of living which have occurred in the last 6 months cause, perhaps, the greatest hardship to men and women who are living on retirement income. We know, too, that these people usually have more need for medical care, because of advancing years, and that medical costs have been increasing at a more rapid rate than almost any other item in the family budget.

Since that time, as every Member of Congress is aware, we have seen 4 more months during which living costs have continued to mount to record highs. The 10-percent increase was not adequate for retired railroad workers last year, and each month their situation has become more desperate. It is inconceivable to me that we will let this ses-

sion of Congress pass without taking some action in regard to this distressing situation. I well realize, Mr. Speaker, that the session of Congress, for all intents and purposes, is now over, but this should be the first order of business next year.

The Harris-Wolverton bills recognize the advance in the cost of living by granting an increase of 10 percent in the annuities of virtually all the people on the railroad-retirement rolls. Unlike legislation last year, the bills will increase the payments of those 169,000 individuals who are drawing the so-called social-security minimum benefit. These include almost 100,000 aged widows whose particularly unhappy condition is brought to my attention by each incoming mail. Moreover, one of the bill's important provisions makes substantial improvements in the unemployment insurance system of the railroad industry.

So that railroad employees are not made tax poor in order to maintain a truly protective retirement system, and for the sake of fair tax treatment for all workers, I, likewise, have introduced a bill, which will eliminate the tax on tax of workers' retirement contributions. My bill, H. R. 5768, which is identical to Representative McCARTHY's bill, H. R. 5551, will exempt, for income-tax purposes, the amount of an employee's contribution to the railroad retirement fund. To insure equitable treatment for other workers, the bill provides a similar exemption for employee contributions to the social security and civil service retirement trust funds.

Mr. Speaker, for over a year now, the people who are dependent on their railroad benefits have been waiting for us to act in their behalf. I certainly hope that we will be able to get this legislation before the House of Representatives early next year, and it will be my purpose to make every contribution possible in that respect.

THE INTERNATIONAL LABOR ORGANIZATION (ILO)

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. McCONNELL] is recognized for 30 minutes.

Mr. McCONNELL. Mr. Speaker, the International Labor Organization—ILO—has been in recent years a controversial subject of discussion. Because of that fact I agreed to serve for the past 2 years as 1 of 2 congressional advisers on the United States delegation to the conferences in June of 1956 and 1957, at Geneva, Switzerland. It was my purpose to observe at firsthand the operations of that organization; to talk with different groups and individuals attending the conferences; and to attempt to formulate my own opinions. It is my intention now before leaving Congress to report my observations and impressions.

WHAT IS ILO?

Very few people know much about the ILO. It is a specialized agency of the United Nations. It came into existence back in 1919, at the conclusion of World War I. Samuel Gompers, well-known labor leader, was chairman of the com-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: (See Page 6.)

SENATE

1. SUPPLEMENTAL APPROPRIATION BILL, 1958. Passed with amendments H.R. 9131, the supplemental appropriation bill for 1958. The committee amendments were adopted en bloc (pp. 13795-7). Agreed to an amendment by Sen. Williams (on behalf of himself and Sen. Humphrey) to provide \$3.5 million for poultry inspection to be effective upon enactment of S. 1747, the poultry inspection bill (p. 13832). Agreed to an amendment by Sen. Sparkman to provide \$300,000 for farm housing research to be conducted by the land-grant colleges through grants from the Housing and Home Finance Agency (p. 13832). Agreed to an amendment by Sen. Hayden to ratify obligations from this bill for the period from July 1, 1957 until enactment (p. 13797). Senate conferees were appointed. pp. 13794-7, 13808-29, 13832, 13833-7
2. POULTRY INSPECTION. Agreed to the conference report on S. 1747, the poultry inspection bill. This bill will now be sent to the President. pp. 13829-31
3. COMMITTEES; ACREAGE ALLOTMENTS; FEED GRAINS. The Agriculture and Forestry Committee reported the following bills:
Without amendment, H.R. 8508, providing for the election of two county committees in certain counties (S. Rept. 1040);

With amendments, H.R. 8030, to eliminate the requirement that notice of intention not to plant the full acreage allotted must be filed with the county committee in order for a farmer to receive credit for future acreage allotment purposes (S. Rept. 1039); and

With amendment, H.R. 2486, to authorize CCC to grant relief with respect to claims arising out of deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders under the emergency feed program (S. Rept. 1041). p. 13760

4. DISASTER RELIEF; COTTON. The Agriculture and Forestry Committee ordered reported without amendment the following bills:

S. 304, to provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers in disaster areas; and

S. 314, to assist the U. S. cotton textile industry in regaining its equitable share of the world market. p. D796

5. ACCOUNTING. Concurred in the House amendment to S. 1799, to change various legal provisions so as to facilitate the payment of Government checks. This bill will now be sent to the President. pp. 13794-5

6. ORGANIZATION. Senate conferees were appointed on S. 1791, to extend the Reorganization Act of 1949 to apply to reorganization plans submitted before June 1, 1959. House conferees have not been appointed. p. 13795

7. FARM PROGRAM. Sen. Humphrey inserted a letter from Leon Keyserling stating he had not advocated a reduction in the number of family-type farms and inserting a statement by the Conference on Economic Progress, "Statement in Answer to Misrepresentations About Full Prosperity For Agriculture." pp. 13801-3

8. REA LOANS. Sens. Carroll, Humphrey, Allott, Kefauver, Langer, and Chavez, discussed charges that REA loan authority has been transferred to the Office of the Secretary, and the request of the Government Operations Committee that Secretary Benson testify in response to such charges. Sen. Carroll inserted a news article, "Hamil's Authority Over REA Now Subjected to Review." pp. 13803-7

9. INTEREST RATES. Sen. Humphrey criticized the administration's policy on interest rates and inserted a letter from the Minn. School Board Ass'n urging a study of the high interest rates on school construction bonds and an article, "Ike Probe Asked of School Bond Charges." pp. 13798-9

Sens. Humphrey and Kerr discussed the administration's role in raising interest rates on loans, and criticized the Secretary of the Treasury for "flexing" interest rates up, and the Secretary of Agriculture for "flexing" prices of agricultural products down." pp. 13799-801

10. WATER RESOURCES. Concurred in the House amendments to S. 1556, granting consent to the Little Missouri River compact. This bill will now be sent to the President. p. 13803

11. HOUSING. Agreed to the conference report on H.R. 8240, the military housing construction authorization bill, including a provision for the use of foreign currencies acquired under Public Law 480, for the construction of military family housing units in foreign countries (pp. 13832-3). The House received the conference report but did not act upon it (H. Rept. 1193) (pp. 11873-82).

That is a question which 75 percent of the Senators answered in the affirmative. There is no provision in the bill for new furniture in any part of the old building; none whatever.

Mr. DOUGLAS. How much is provided for new furniture in the new building? That is what I want to find out.

Mr. SPARKMAN. For new furniture in the new building, including committee rooms and the cafeteria and rooms for secretaries and administrative assistants, and for the committee staffs, and all that, the estimate was \$1,350,000. The committee cut that amount to \$1 million.

I should like to say to the Senator from Illinois—and this is confirmed by the testimony before the committee during the course of the hearings—that while there has been no formal resolution adopted by the Senate Office Building Commission to the effect that the furniture would be procured through competitive bidding, at a meeting of that Commission I believe every member stated that he was in favor of competitive bidding. I believe it appears in the testimony in the hearings that the furniture would be procured by competitive bidding.

Mr. HAYDEN. Mr. President, I should like to ask the Senator from Alabama whether he knows of any way of furnishing a 5-room suite with furniture from a 3-room suite.

Mr. SPARKMAN. If the Senator from Illinois will yield to me to answer that question, I will say that it is not contemplated that the furniture be moved from the old building to the new building. After all, the offices in the old building will remain.

Mr. HAYDEN. I was assuming that the furniture would be moved.

Mr. SPARKMAN. To answer the Senator's question directly of course it could not be done.

Mr. HAYDEN. It is not possible to furnish 5 rooms with the furniture from 3 rooms. That is my point.

Mr. SPARKMAN. If a Senator picked up all the furniture in the present 3-room suite and moved it over to his 5-room suite, it would be necessary to buy furniture to replace what he had moved.

Incidentally, we made a survey as to what furniture was on hand that could be used as a replacement or to supplement furniture in the old building. It just was not there. I believe it was the consensus of the Commission that the new building ought to be furnished with new furniture.

It was felt that there should be some leeway—in other words, that if a Senator was particularly anxious to retain a desk which he had been using or some other item of furniture he had been using, he could do so—although I believe the poll indicated that at least 75 percent of the Members of the Senate felt that only new furniture should be used in the new building.

Mr. DOUGLAS. Mr. President, the Senator from Alabama has now cleared up one point; he has stated directly, several times, that old furniture is not to be transported from the old building

to the new one, and that the new building is to be completely equipped with new furniture. This is exactly the point the Senator from Ohio and I have not only been trying to find out about, but which we have questioned. It seems to be extraordinarily difficult to make this point clear to our colleagues. Perhaps I may state it as follows: Let us consider a room 16 by 20 feet, thus having a total of 320 square feet. Let us assume that there are six desks in the room. In that event, each desk will have approximately 50 square feet of space available to it. Obviously, such an arrangement results in overcrowding. When the new office building is put into use, it will not be necessary to move all those six desks to the new building. Instead, perhaps 3 of them can remain in the old building, and 3 can be moved into the new building.

The Senator from Ohio and I are saying that some of the old furniture should be transported to the new building and should be used there. In that way, there will be more space per desk and per clerk. That is our point.

I should like to suggest to my good friend, the Senator from Mississippi, whom I admire very much, that the Architect certainly was somewhat at fault in not stating a breakdown of his item of \$1,350,000. Certainly the Architect should have shown how much was for the auditorium, how much was for the cafeteria, and how much was for equipping the new offices. I take it that no such estimates were given.

Mr. STENNIS. I have none of the estimates here. Those are matters for the Commission which is handling all such items.

Mr. DOUGLAS. Did it have such estimates?

Mr. STENNIS. The Architect was representing the Commission, when he submitted the estimate, as I understand.

Mr. DOUGLAS. He did not have a breakdown, did he?

Mr. STENNIS. Yes, there was some breakdown.

Mr. DOUGLAS. What was the estimate for the nonfurniture items?

Mr. STENNIS. I have tried to inform the Senator from Illinois as best I could, to the best of my knowledge. Roughly speaking, I think at least half, or more than half, of the money was for the auditorium and for the committee rooms, aside from the expense for the five-room suites for Senators. I would estimate that 60 percent was for the auditorium and the committee rooms.

Mr. DOUGLAS. Mr. President, I do not wish to labor the point.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois. [Putting the question.]

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

COMPULSORY INSPECTION OF POULTRY AND POULTRY PRODUCTS—CONFERENCE REPORT

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senator

from Minnesota [Mr. HUMPHREY] may present a conference report at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 14, 1957, pp. 13472-13474, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HUMPHREY. Mr. President, there were very minor differences between the two versions of the bill, as passed by the two Houses. The points of difference were readily reconciled. The bill was passed unanimously by each House.

Rather than make a detailed explanation of the adjustments made in the conference committee, as between the two versions of the bill, as passed by the two Houses, I ask unanimous consent that an explanation of the report be printed at this point in the RECORD, together with brief explanations of the key amendments which were agreed to in the conference.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION OF CONFERENCE REPORT ON S. 1747

The conference substitute differs from the Senate bill in that under the substitute—

(1) The State poultry inspection agency (in any State having such an agency) would not be the sole agency entitled to initiate proceedings for the designation of a major consuming area.

(2) Exemption from labeling requirements would not be required to be consistent with the Federal Food, Drug, and Cosmetic Act.

(3) Knowledge would be an element of the offense of possessing false inspection certificates, memorandums, and devices.

(4) The Secretary would be permitted to make exemptions from the prohibitions relating to New York dressed poultry. (The purpose of this is to afford the necessary time for conversion of plants to eviscerating operations.)

(5) Injunction proceedings would not be authorized.

(6) Somewhat tighter penalties are provided for first and second offenses.

(7) The authority to refrain from reporting violations for criminal prosecution would not be limited to "minor" violations.

(8) Exemption of certain groups would be mandatory rather than permissive and producers selling to restaurants, hotels, and boarding houses would be exempt.

(9) The jurisdiction of the Secretary provided by the bill would expressly be made exclusive.

(10) Overtime inspection costs would be charged to processors on an average instead of absolute basis.

EXPLANATION OF CONFERENCE REPORT ON S. 1747

There were a great many differences between the bill as passed by the Senate and the House amendment to S. 1747. The great majority of these differences were of a technical nature involving no difference in intent between the House and the Senate. The conferees agreed on a substitute for the House amendment, which differs from the Senate bill in the following material respects:

First, the Senate bill provided that hearings for the designation of a major consuming area for regulation could be initiated only upon application by the State poultry inspection agency if there was such an agency. In the absence of such an agency, the application might be made by any appropriate State or local official, or any appropriate poultry industry group. The House amendment provided for the application being made by the appropriate governing official or body of a substantial portion of the area to be designated, or upon application by an appropriate local poultry industry group. The conference substitute provides for application by any appropriate State or local official or agency of a substantial portion of the area, or application by an appropriate local poultry industry group. In any State having a State poultry inspection agency, that agency would be the appropriate State agency to make application, but this would not preclude application being made by an appropriate local official or poultry industry group.

Second, the Senate bill authorized the Secretary to grant exemptions from labeling requirements not in conflict with the Federal Food, Drug, and Cosmetic Act. The House amendment did not permit any exemption. The conference substitute provides for the exemption, but provides that the exemption shall not be in conflict with the purposes of the act; since determination that an exemption is not inconsistent with the Federal Food, Drug, and Cosmetic Act might require interagency consultation, delay issuance of the exemption, and cause difficulties in administration.

Third, the House amendment made knowledge an element of the offense of possessing false inspection certificates, identifications, or devices without notifying the Secretary of Agriculture. Since a purchaser or other person might innocently come into possession of a product bearing a false certificate and have no means of knowing that it was false; the Senate provision might have imposed a penalty upon the very person whom it was designated to protect. The conference substitute therefore makes knowledge an element of the crime of possessing such false identifications or devices. Knowledge would not, of course, be an element in cases of uttering, publishing, or using a false identification or device.

Fourth, the Senate bill prohibited transportation of New York dressed poultry except between official establishments and to foreign countries. In view of the fact that considerable time has elapsed since the bill was first considered by the Senate and that there might not be sufficient time for plants to convert to production of an eviscerated product prior to the effective date of the act, this exception was changed to permit the Secretary to make such limited exemption from this prohibition as might be necessary.

Fifth, the Senate bill provided for the use of injunctions in enforcing the act. The House amendment did not contain this provision, and it appeared that the other methods of enforcement provided for by the act were sufficient. The conference substitute

does not contain provision for injunction proceedings.

Sixth, the Senate bill provided for imprisonment for up to 1 year and a fine of up to \$5,000 for a first offense and imprisonment for up to 2 years and a fine of up to \$10,000 for all subsequent offenses. Under the House amendment, the latter penalty would not be imposed until the third offense and the former would not be imposed until the second offense. The House amendment placed the maximum penalty for the first offense at imprisonment for up to 6 months and a fine of up to \$3,000. The conference substitute adopted the somewhat lighter penalties provided by the House amendment.

Seventh, under the Senate bill, the Secretary was not required to report minor violations for criminal prosecution if he believed that the public interest would be adequately served and compliance obtained by a written warning notice. The House amendment made this provision applicable to all violations and the House conferees contended that the use of the word "minor" would always result in the Secretary's action being subject to question. It also appeared to the conferees that in many cases the administrative penalties, such as the withdrawal of service, would be sufficient so that criminal prosecution would not be required. The further fact that knowledge is not an element of many of the offenses under the act, including those committed by producers and other exempted persons, made adoption of the broader House provision appear advisable. The conference substitute, therefore, would not require the Secretary to report any case for criminal prosecution where the public interest would be adequately served and compliance obtained with a written warning notice.

Eighth, the Senate bill authorized the Secretary to make exemptions in certain cases, while the House amendment required such exemptions to be made. It was always the intention of the Department to make these exemptions and of the sponsors of the Senate bills and the Senate that these exemptions should be made. The conference substitute, therefore, adopts the mandatory language of the House amendment. The House amendment enlarged the exemption provided by this section for poultry producers to extend it to those selling to restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers. The conference substitute adopts this enlargement of the exemption.

Some question has arisen in connection with the religious exemption which was contained in both bills. Both the Senate bill and the House amendment provided that poultry processed in accordance with religious dietary laws is exempt from the act, so that such dietary laws may be observed. This will permit kosher poultry to be slaughtered by a shochet, dressed with cold water, and sold to the housewife uneviscerated, as required by the laws of Kashruth.

Ninth, the House amendment provided that the jurisdiction of the Secretary of Agriculture within the scope of the act would be exclusive. While it is difficult to see how regulation by the Secretary under the act could do otherwise than occupy the field and thereby preclude State regulation of the same subject, this amendment would make it clear that Federal regulation under the bill would preclude State regulation of the same subject.

Tenth, the Senate bill required the processor to bear the cost of overtime performed in his plant. The conference substitute makes it clear that the Secretary may require reimbursement upon the basis of average costs rather than upon the basis of the salary of the particular individual performing the overtime work at a particular plant.

Other material points in dispute were determined in accordance with the Senate position as follows: (1) Reinspection may be conducted whether processing operations are then being conducted or not; (2) labeling may not be false or misleading "in any particular"; (3) knowledge is not an element of offenses by exempted persons; and (4) the House provision providing a rule of construction against invalidation of State law was rejected.

Since the bill was passed by the Senate, a question has been raised as to whether squabs are covered by it. Poultry is defined in the bill as live or slaughtered domesticated birds. Commercially produced game birds, which would include squabs, are, therefore, not covered.

Mr. WILLIAMS subsequently said: Mr. President, immediately preceding the vote on the conference report, I ask unanimous consent to have printed in the RECORD a statement on the poultry inspection bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

In adopting the conference report the committee recognized that while the sale of New York dressed poultry is diminishing there are nevertheless some responsible and efficient processors of this style of poultry who still sell in interstate commerce for the purpose of fulfilling a bona fide consumer demand.

The New York dresser would face problems under compulsory poultry inspection which are special and apart as compared to those which the eviscerator may face. Some of these problems are:

(1) The additional expense and investment which would be required to convert a New York dressing operation into an approved eviscerating plant under compulsory inspection.

(2) The additional time which would be over and beyond the expense mentioned in (1) above.

(3) The development of a new marketing program—hitherto the New York dresser has been selling customers, many of whom do not use eviscerated poultry, and hence would have to build a new customer list under compulsory inspection. This also would take time and money.

(4) An employee training program would be required to indoctrinate the employees in the methods and procedures used in producing ready-to-cook poultry as compared to New York dressed.

(5) Also some poultry producers could suffer hardship in finding outlets for live chickens in the event they had been selling their chickens to a New York dressing plant which suddenly found itself out of business.

Taking this into consideration the conference committee adopted language which extended to the Secretary of Agriculture authority to grant such extensions pursuant to rules and regulations prescribed by him as he deemed necessary and practical.

The provisions of section 9, subsection (1), as approved by the committee of conference will authorize the Secretary to permit under regulations, the continued marketing of dressed poultry—commonly referred to as New York dressed—to consumers for such periods of time as he deems practicable to avoid hardship because of the problems involved in shifting from New York dressed to an eviscerated type of product. It was not the intent of the committee, by this provision, to prohibit at any time the movement of New York dressed product between official establishment for further processing, or for export, as was clearly contemplated by the House and Senate bills.

Mr. HUMPHREY. Mr. President, I move that the report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. HUMPHREY subsequently said: Mr. President, I have been discussing with the Senator from Florida [Mr. HOLLAND], a matter in connection with the poultry-inspection bill. It is covered by the statement on the part of the managers on the part of the House, which appears in the report. I ask that the statement be printed at this point in the RECORD, so that all points of discussion may be covered by the proceedings which will be printed in the RECORD.

There being no objection, the excerpt from the report (No. 1170) was ordered to be printed in the RECORD, as follows:

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1747) to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and substituted the language of H. R. 6814 as passed by the House on July 9, 1957. The bill reported herewith is a substitute for the House amendment which has been agreed upon by the conferees. Except for changes of a clarifying or technical nature, following are the differences between the House amendment and the committee substitute.

SECTION 5

This section follows substantially the House language but has been modified to include a provision of the Senate bill which provides that application for a hearing by the Secretary may be made by an appropriate State official, as well as by those persons designated in the House amendment. As recommended by the conferees, the section now provides that three classes of persons may make application to the Secretary for designation of an area as a "major consuming area." These are: (1) Any appropriate State official representing a substantial portion of such area; (2) any appropriate local official or agency of a substantial portion of such area; or (3) an appropriate local poultry industry group in such area.

The committee of conference reemphasizes the fact that this provision as reported by the conferees provides that the public hearing contemplated is a quasi-legislative hearing and the facts or opinions submitted thereat may be supplemented by investigations by the Secretary to aid in his determination as to whether a designation of an area should be made. Such hearing and investigation are to develop not only information as to the volume of poultry marketed in a major consuming area, but all other facts which would bear upon the question as to whether the designation of such an area will tend to effectuate the purposes of the act.

SECTION 6

Section 6 is substantially the House language. Subsection (b) was amended to make it clear that reinspection, quarantine, and segregation of poultry may take place at any time and need not be done when the plant is in operation.

In connection with post mortem inspection, the committee of conference in adopting the House language reiterates the interpretation

of the language as contained in the House report that "the Secretary * * * shall at all times provide sufficient inspectors and employ such procedures as will not slow down processing operations in the plants being inspected."

SECTION 7

The committee of conference has followed the House language in section 7 and, in doing so, points out that there is no authority in this bill for the Secretary to withdraw inspection from all of the plants operated by a company if he finds that only one or more of such plants are not complying with regulations. Inspection is on a plant-by-plant basis and may be withdrawn only from the particular establishment "whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section."

SECTION 8

Subsection (a) was identical in both the House and Senate versions except that the Senate bill contained authority for the Secretary to permit reasonable variations and grant exemptions from the labeling requirements in any manner not in conflict with the Federal Food, Drug, and Cosmetic Act. The conference substitute permits exemptions but requires only that they shall not be in conflict with the purposes of this act.

Subsection (b) was identical in both bills except that the Senate bill used the words "in any particular" in connection with labeling which is "false or misleading." The conferees have adopted the Senate language in this case as being more nearly in conformity with other similar statutes.

SECTION 9

Section 9 is identical with the language of the House amendment except that a modification has been made in subsection (i) to permit the Secretary to grant some extension of time to processors of "New York dressed" poultry to comply with the provisions of the act. The effective date of the act with respect to its compulsory features is January 1, 1959. In view of the time which has elapsed since introduction and committee consideration of the bills the conference committee felt that some extension of this time might be needed by some processors of "New York dressed" poultry to permit the change-over of their plant and operations to the processing of eviscerated poultry. The amendment to the House language will permit the Secretary to grant such extension "pursuant to rules and regulations prescribed" by him. It is, however, the intent of the bill that the prohibition against "New York dressed" poultry be made fully effective as soon as practicable.

SECTION 13

The committee of conference has adopted the House language in section 13 and, in doing so, points out that it is the intention of the committee that subsection (b) of this section should apply to public warehousemen who handle poultry products in the course of their movement from processor to consumer on the same terms as it will apply to a carrier. A public warehouseman is in precisely the same position as a carrier except that, instead of transporting, he stores goods for the general public for hire. It is the opinion of the committee of conference, therefore, that public warehousemen should be treated by the Secretary in exactly the same manner as carriers in enforcing the provisions of this act.

SECTION 17

The House language required knowledge as an element of guilt under this section with respect to a person who sells unwholesome or adulterated poultry under one of the exemptions of the act. The Senate bill did not require knowledge in this respect and the conference bill follows the Senate language.

SECTION 20

The conference bill follows substantially the wording of the House amendment with the addition of language to make it clear that the rates of overtime and holiday pay to be charged processing establishments may be established at a reasonable uniform rate instead of being figured on an individual basis. The holidays to be counted with respect to Federal employees are those which apply to Federal civil-service employees either by law or by Executive or administrative order. Holidays to be counted with respect to State employees will be those legally observed by employees of that State.

SECTION 24

The Senate bill contained no provision similar to section 24 of the House amendment. In view of adoption by the conference committee of the House language in section 19, providing that "the jurisdiction of the Secretary within the scope of this act shall be exclusive," the committee felt that section 24 would neither add to nor detract from the legal effect of the rest of the bill but might be confusing. It therefore did not include this section in the conference bill.

HAROLD D. COOLEY,
GEORGE M. GRANT,
JOHN C. WATTS,
CLARK W. THOMPSON,
WILLIAM S. HILL,
CHARLES B. HOEVEN,
CLIFFORD G. MCINTIRE,

Managers on the Part of the House.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 319. An act to provide for the conveyance to the State of Maine of certain lands located in such State;

S. 364. An act for the relief of the village of Wauneta, Nebr.;

S. 534. An act to amend section 702 of the Merchant Marine Act, 1936, in order to authorize the construction, reconditioning, or remodeling of vessels under the provisions of such section in shipyards in the continental United States;

S. 538. An act to amend Public Law 298, 84th Congress, relating to the Corregidor-Bataan Memorial Commission, and for other purposes;

S. 556. An act to provide for the conveyance of certain real property of the United States situated in Clark County, Nev., to the State of Nevada for the use of the Nevada State Board of Fish and Game Commissioners;

S. 620. An act to transfer ownership to Allegany County, Md., of a bridge loaned to such county by the Bureau of Public Roads;

S. 919. An act to provide that certain employees in the Postal Field Service assigned to road duty, and rural carriers, shall receive the benefit of holidays created by Executive order, memorandum, or other administrative action by the President;

S. 1113. An act to provide for the conveyance of certain lands of the United States to the city of Gloucester, Mass.;

S. 1417. An act relating to the affairs of the Osage Tribe of Indians in Oklahoma;

S. 1631. An act to amend certain sections of title 13 of the United States Code, entitled "Census";

S. 1823. An act to authorize the conveyance of Bunker Hill Island in Lake Cumberland near Burnside, Ky., to the Commonwealth of Kentucky for public park purposes; and

S. 1971. An act to amend sections 4 (a) and 7 (a) of the Vocational Rehabilitation Act.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 959) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes.

SUPPLEMENTAL APPROPRIATIONS, 1958

The Senate resumed the consideration of the bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes.

Mr. HAYDEN. Mr. President, I suggest to the Senator from Delaware that he offer his amendment.

Mr. WILLIAMS. I send to the desk an amendment which is submitted on behalf of myself and the Senator from Minnesota [Mr. HUMPHREY]. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, after line 7, it is proposed to insert:

AGRICULTURAL MARKETING SERVICE

For an additional amount for "Marketing research and service," for marketing services, \$3,500,000: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 1747 of the 85th Congress.

Mr. WILLIAMS. Mr. President, the Senate has just adopted the conference report on the mandatory poultry inspection bill. The purpose of this amendment is to implement that legislation by providing the necessary funds with which to pay the inspectors.

I understand that the Senator from Arizona [Mr. HAYDEN] is favorable to the amendment.

Mr. HAYDEN. Mr. President, I am glad to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. SALTONSTALL. Mr. President, let me ask the Senator from Minnesota or the Senator from Delaware what evidence there is to indicate that this is the correct amount? Why cannot it be less? We have had no evidence about it in the Appropriations Committee.

As the senior member of the committee on this side of the aisle, I should like to know about that. I am glad the chairman of the committee has agreed to take the amendment to conference.

Mr. HAYDEN. The Department of Agriculture gave us that figure.

Mr. WILLIAMS. I called the Department of Agriculture; and it is my understanding that the Department budget office indicated, in response to request from committee staff, that consideration has been given to that figure. I told the chairman of the committee that we were perfectly willing to have the figure taken to conference, with that understanding. The bill the Senate passed a moment ago makes it mandatory for the Government to provide these inspectors.

Mr. HAYDEN. We had telephoned information that the Department of Agriculture had given preliminary consideration to this amount of money.

Mr. SALTONSTALL. I thank the Senator from Arizona.

Mr. SPARKMAN. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 18, after line 19, it is proposed to insert:

FARM HOUSING RESEARCH

To carry out the provisions of section 603 of the Housing Act of 1957 for farm housing research to be conducted by land-grant colleges through grants for research study and analysis, \$300,000.

Mr. SPARKMAN. Mr. President, this amendment relates to a provision of the Housing Act which was signed into law about 1 month ago. I think it is highly important that this work be begun.

Mr. HAYDEN. I understand it is a 2-year proposal.

Mr. SPARKMAN. Yes; it is a 2-year proposal, for \$300,000 for the 2 fiscal years 1958 and 1959.

Mr. HAYDEN. Inasmuch as a part of the present fiscal year has passed, will the Senator from Alabama be willing to reduce the item by one-half? Then we can take the amendment to conference and can see what will happen there.

Mr. SPARKMAN. Let me say that I have discussed this matter with the chairman of the committee and also with the distinguished senior Senator from Massachusetts [Mr. SALTONSTALL]. I would be willing to cut the item in half, with the understanding that the provision of some money in this case will enable those responsible for the work to begin their plans; and in January or February, in the next session, when another supplemental bill is before the Senate, perhaps by then those who are in charge of the work will be able to give the Senate an understanding of what will be necessary in order to carry the work forward. It may be that \$150,000 will be sufficient for the first year.

Mr. HAYDEN. And of course, a new program takes some time to get underway.

Mr. SALTONSTALL. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I yield.

Mr. SALTONSTALL. The Senator from Alabama has discussed the matter with me. It is another case in which there has been no estimate in connection with the new law, which was signed on June 30, and, as the Senator from

Alabama has said, authorizes \$300,000 for the 2 years.

Mr. SPARKMAN. That is correct.

Mr. SALTONSTALL. I am glad to have the chairman of the committee accept the amendment and take it to conference, to see what figure may be agreed to.

Mr. HAYDEN. Will the Senator from Alabama modify the amendment in the way indicated?

Mr. SPARKMAN. Yes. Mr. President, I modify the amendment by striking out "\$300,000", and inserting "\$150,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

CONSTRUCTION AT CERTAIN MILITARY INSTALLATIONS—CONFERENCE REPORT

Mr. STENNIS. Mr. President, will the Senator from Arizona yield to me, so I can submit the conference report on House bill 8240, which authorizes certain construction at military installations? The report contains items affecting the appropriation bill the Senate has been considering today, and the report has already been agreed to by the House of Representatives.

Mr. HAYDEN. Yes; I think it would be appropriate to have the report considered at this time.

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8240) to authorize certain construction at military installations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read as follows:

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, I have before me certain statements which are explanatory of the conference report. I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR STENNIS

As the bill passed the House, the authorities granted in the Army, Navy, and Air Force titles totaled \$1,416,573,000. The corresponding authority granted in the Senate version totaled \$1,203,413,000 or \$213,165,000 less than the House version. The total agreed to by the conferees for title I, II, and III is \$1,232,495,000. This later sum is \$184,078,000 less than the House version and \$29,082,000 more than the Senate version.

I wish to direct the Members' attention to section 406 as it was agreed to by the conferees, which in substance is identical to that contained in the Senate version except

Public Law 85-172
85th Congress, S. 1747
August 28, 1957

AN ACT

71 Stat. 441.

To provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Poultry Products Inspection Act". Poultry Products
Inspection Act.

LEGISLATIVE FINDING

SEC. 2. Wholesome poultry products are an important source of the Nation's total supply of food. Such products are consumed throughout the Nation and substantial quantities thereof move in interstate and foreign commerce. Unwholesome and adulterated poultry products in the channels of interstate or foreign commerce, are injurious to the public welfare, adversely affect the marketing of wholesome poultry products, result in sundry losses to producers, and destroy markets for wholesome poultry products. The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection under this Act are either in the current of interstate or foreign commerce or directly affect such commerce. That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

The great volume of poultry products required as an article of food for the inhabitants of large centers of population may directly affect the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce should be designated by the Secretary pursuant to the provisions of this Act.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products by the inspection service as herein provided to prevent the movement in interstate or foreign commerce or in a designated major consuming area of poultry products which are unwholesome, adulterated, or otherwise unfit for human food.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(d) The term "poultry" means any live or slaughtered domesticated bird.

(e) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(g) The term "unwholesome" means:

(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.

(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.

(h) The term "adulterated" shall apply to poultry and poultry products under one or more of the following circumstances:

(1) If they bear or contain any poisonous or deleterious substance which may render them injurious to health; but, in case the substance is not an added substance, such poultry and poultry products shall not be considered adulterated under this clause if the quantity of such substance in such poultry and poultry products does not ordinarily render them injurious to health.

(2) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided*, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.

(3) If any substance has been substituted, wholly or in part, therefor.

(4) If damage or inferiority has been concealed in any manner.

(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(i) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of any State government authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State agency.

(j) The term "official inspection mark" means the symbol, formulated pursuant to rules and regulations prescribed by the Secretary, stating that the product was inspected.

(k) The term "inspection service" means the official Government service within the Department of Agriculture designated by the Sec-

retary as having the responsibility for carrying out the provisions of this Act.

(l) The terms "container" or "package" include any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(m) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

(n) The term "label" means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container, including but not limited to an individual consumer package, of the poultry product, or accompanying such product.

(o) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(p) The term "immediate container" includes any consumer package; or any other container in which poultry carcasses or poultry products, not consumer packaged, are packed.

DESIGNATION

SEC. 5. Upon application by any appropriate State or local official or agency of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this Act for such area to be subject to the provisions of this Act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this Act, he shall by order designate such area and prescribe the provisions of this Act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until six months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this Act.

Publication
in F.R.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND QUARANTINE

SEC. 6. (a) For the purpose of preventing the entry into or flow or movement in commerce or a designated major consuming area of any poultry product which is unwholesome or adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in any official establishment processing poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation, reinspection as he deems necessary of poultry and poultry products in each official establishment processing such poultry or poultry products for commerce or in, or for marketing in a designated city or area.

(c) All poultry carcasses and parts thereof and poultry products found to be unwholesome or adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may by reprocessing be made not unwholesome and not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not unwholesome and not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, and products shall be destroyed for human food purposes under the supervision of an inspector.

SANITATION, FACILITIES, AND PRACTICES

SEC. 7. (a) Each official establishment slaughtering poultry or processing poultry products for commerce or in or for marketing in a designated major consuming area shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or in a designated major consuming area, of poultry products which are unwholesome or adulterated.

(b) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

LABELING

SEC. 8. (a) Each shipping container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated, shall at the time such product leaves the official establishment bear, in distinctly legible form, the official inspection mark and the approved plant number of the official establishment in which the contents were processed. Each immediate container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed. The Secretary may permit reasonable variations and grant exemptions from the foregoing labeling requirements in any manner not in conflict with the purposes of this Act.

(b) The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this Act or the container thereof which is false or misleading in any particular is prohibited. No poultry products inspected or required to be inspected pursuant to the provisions of this Act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but estab-

lished trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted. If the Secretary has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as the Secretary may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Secretary, he may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless within thirty days after the receipt of notice of such final determination the person adversely affected thereby appeals to the United States court of appeals for the circuit in which he has his principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 ^{42 Stat. 162.} of the Packers and Stockyards Act of 1921, as amended, shall be ^{7 USC 194.} applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 9. The following acts or the causing thereof are hereby prohibited:

(a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this Act.

(b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this Act.

(c) Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, used in connection with the inspection of poultry or poultry products under this Act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this Act when such poultry or poultry product has in fact not been so inspected.

(d) Using in commerce, or in a designated major consuming area, a false or misleading label on any poultry product.

(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated major consuming area, upon presentation of appropriate credentials.

(g) The refusal to permit access to and the copying of any record as authorized by section 11 of this Act.

(h) The using by any person to his own advantage, or revealing, other than to the authorized representatives of the Government in their official capacity, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under the authority of this Act, concerning any matter which as a trade secret is entitled to protection.

(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this Act), in commerce or from an official establishment or in a designated major consuming area, except as may be authorized by and pursuant to rules and regulations prescribed by the Secretary.

COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

SEC. 10. No establishment processing poultry or poultry products for commerce or in or for marketing in a designated major consuming area shall process any poultry or poultry product except in compliance with the requirements of this Act.

RECORDS OF INTERSTATE SHIPMENT

SEC. 11. For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for a period of two years after the transaction, which is the subject of such record, has taken place.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 9, 10, 11, or 17, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than six months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than one year, or a fine of not more than \$5,000, or both such imprisonment and fine; but if such violation is committed after two or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than two years, or a fine of not more than \$10,000, or both such imprisonment and fine. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of slaughtered poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts

which would cause a reasonable person to believe that such slaughtered poultry or poultry products were not inspected or marked in accordance with the provisions of this Act or were not otherwise eligible for transportation under this Act.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 14. The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;

(2) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however*, That no such exemption shall continue in effect on and after July 1, 1960; and

(4) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act.

(b) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

SEC. 16. Any person who sells, delivers, transports or offers for sale or transportation in commerce or in a designated major consuming area any poultry or poultry products which are exempt under section 15, and which are unwholesome or adulterated and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.

IMPORTS

SEC. 17. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this Act. All imported, slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution for such Acts.

52 Stat. 1040.
21 USC 301.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 18. (a) For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this Act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

21 USC 301.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of Government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.

COST OF INSPECTION

SEC. 19. The cost of inspection rendered under the requirements of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secre-

tary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 21. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 22. This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made.

Approved August 28, 1957.

